



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

MONDAY, NOVEMBER 28, 2022

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Kate Harrison

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/89020212227>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257** (Toll Free) and Enter Meeting ID: **890 2021 2227**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

AGENDA

Roll Call

Public Comment

Review of Agendas

1. **Approval of Minutes: November 21, 2022**
2. **Review and Approve Draft Agenda:**
 - a. 12/13/22 – 6:00 p.m. Regular City Council Meeting
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory**

Scheduling

5. **Council Worksessions Schedule**
6. **Council Referrals to Agenda Committee for Scheduling**
7. **Land Use Calendar**

Referred Items for Review

- 8a. **Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**
- 8b. **Analysis of Return to In-Person Meetings of City Legislative Bodies**
9. **Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee**
From: Councilmember Hahn (Author)
Referred: November 21, 2022
Due: May 15, 2023
Recommendation: Adopt a resolution amending the City Council Rules of Procedure & Order to allow Policy Committee Track Items that include a Budget Referral to be assigned by the Agenda Committee to the Budget & Finance Committee and one additional Policy Committee.
Financial Implications: None
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

10. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)

Unscheduled Items

- 11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 12. Discussion of Potential Changes and Enhancements to the City Council Legislative Process**

Items for Future Agendas

- **Discussion of items to be added to future agendas**

Adjournment – Next Meeting Wednesday, January 4, 2023

~~~~~  
**Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

\* \* \*

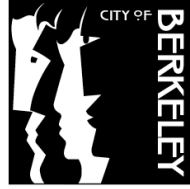
I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Wednesday, November 23, 2022.



Mark Numainville, City Clerk

## **Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@cityofberkeley.info](mailto:policycommittee@cityofberkeley.info).*



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE  
SPECIAL MEETING MINUTES**

**MONDAY, NOVEMBER 21, 2022**

**2:30 P.M.**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Kate Harrison

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL <https://us02web.zoom.us/j/87938618399>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257** (Toll Free) and Enter Meeting ID: **879 3861 8399**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

**Roll Call:** 2:33 P.M. All present.

**Public Comment** – 2 speakers

## **Review of Agendas**

**1. Approval of Minutes: November 14, 2022**

**Action:** M/S/C (Wengraf/Hahn) to approve the minutes of 11/14/23.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 12/6/22 – 6:00 p.m. Regular City Council Meeting

**Action:** M/S/C (Arreguin/Wengraf) to approve the agenda of 12/6/22 with the revisions noted below.

- *Item Added: Ceremonial Item for Recognition of Councilmember Droste*
- *Item 11 Rules of Procedure (Hahn) – referred to the Agenda & Rules Committee*

Order of Action Calendar

Item 10 BPD Update

Item 7 Elmwood BID

Item 8 Fire Code

Item 9 Affordable Housing

**Vote:** All Ayes.

**3. Selection of Item for the Berkeley Considers Online Engagement Portal**

- None Selected

**4. Adjournments In Memory** – None

## **Scheduling**

**5. Council Worksessions Schedule** – received and filed

**6. Council Referrals to Agenda Committee for Scheduling** – received and filed

**7. Land Use Calendar** – received and filed

## **Referred Items for Review**

**8a. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

**8b. Analysis of Return to In-Person Meetings of City Legislative Bodies**

**Action:** 2 speakers. Discussion of in-person meetings and reference to the item before the full Council on the November 29 agenda.

## Unscheduled Items

**9. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**

**Action:** Moved to Referred Items for Review for the next meeting.

**10. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

## Items for Future Agendas

- Added a new item to Referred Items for Review regarding the City Council Legislative Process

## Adjournment

**Action:** M/S/C (Arreguin/Wengraf) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 3:11 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on November 21, 2022.

---

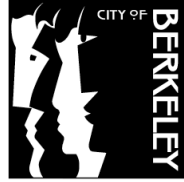
Mark Numainville, City Clerk

## Communications

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@cityofberkeley.info](mailto:policycommittee@cityofberkeley.info).*







**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, December 13, 2022**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION**

*For in-person attendees, additional public health protocols will be in place. If you are feeling sick, please do not attend in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <<INSERT URL HERE>>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

- 1. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.102**  
**From: Commission on Labor**  
**Recommendation:** Adopt second reading of Ordinance No. 7,846-N.S., the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.102.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Harrison, Hahn, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Wengraf, Droste.  
**Financial Implications:** See report  
Contact: Margot Ernst, Commission Secretary, (510) 981-5400
- 2. Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, June 28, 2022, July 26, 2022, September 20, 2022, and November 15, 2022.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950

## Consent Calendar

**3. Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**

**From: City Manager**

**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021, November 16, 2021, December 14, 2021, January 10, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 31, 2022, June 28, 2022, July 26, 2022, August 23, 2022, September 20, 2022, October 11, 2022, November 3, 2022, and November 29, 2022.

**Financial Implications:** To be determined

Contact: Farimah Brown, City Attorney, (510) 981-6950

**4. Waiver of Sanctuary City Contracting Ordinance Requirements for AG Witt LLC**

**From: City Manager**

**Recommendation:** Approve a waiver of the Sanctuary Cities Contracting Ordinance Requirements for the City's FEMA Cost-Recovery Contract with AG Witt LLC.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

**5. City of Berkeley 2023 State and Federal Legislative Platform**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the City of Berkeley's State and Federal Legislative Platform

**Financial Implications:** See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

**6. Adopt a Resolution Authorizing the City Manager to Execute a License Agreement with East Bay Community Energy for Electric Vehicle Fast Charging Stations on Municipal Property**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to execute a Master Site License Agreement with East Bay Community Energy (EBCE) for the installation and operation of publicly-available electric vehicle (EV) direct current fast charging stations on municipal property.

**Financial Implications:** See report

Contact: Paul Buddenhagen, City Manager's Office, (510) 981-7000

## Consent Calendar

- 7. Interactive Kiosk Experience (IKE) Smart City Kiosk Locations, Phase Two**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution, pursuant to Ordinance No. 7,626-N.S. Franchise Agreement with IKE Smart City, LLC approving 22 locations for the second phase of deployment of IKE Smart City Kiosks in Berkeley (Attachment 1).  
**Financial Implications:** See report  
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 8. Contract: Berkeley Fire Medical Director**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, with Herbert Gene Hern, MD to serve as the Berkeley Fire Medical Director for five years from July 1, 2022 until June 30, 2027 in the amount not to exceed \$400,000.  
**Financial Implications:** See Report  
Contact: David Sprague, Fire, (510) 981-3473
- 9. Contract: Statewide Prevention and Early Intervention Project FY2023 Participation Agreement – California Mental Health Services Authority**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to enter into a Participation Agreement for FY2023 and any amendments with the California Mental Health Services Authority (CalMHSA) to allocate Mental Health Services Act (MHSA) funds in the amount of \$70,907 to participate in the Statewide Prevention and Early Intervention (PEI) Project, for a total amount not to exceed \$70,907 through June 20, 2023.  
**Financial Implications:** Mental Health Services Act Fund - \$70,907  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 10. Contract: Resource Development Associates Specialized Care Unit and Community Crisis Response Services Program Evaluation**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Resource Development Associates (Contractor) to design and implement an evaluation for program effectiveness of the Specialized Care Unit and Community Crisis Response Services (Bridge Services). Services will begin on January 1, 2023 and extend to June 30, 2025 in an amount not to exceed \$150,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

- 11. Contract: Bonita House for Specialized Care Unit Provider**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Bonita House (Contractor) to implement Berkeley's Specialized Care Unit for a two-year pilot. Services will begin on February 1, 2023 and extend to January 30, 2025 in an amount not to exceed \$4,500,000.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 12. Reserving Predevelopment Funds for the Development of Affordable Housing at the North Berkeley BART Station**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Reserving \$500,000 for the selected development team to support the development of affordable housing at the North Berkeley BART site, contingent on the team's selection and approval by the BART Board at its December 1, 2022 meeting, and the team's timely submission of a completed predevelopment application demonstrating they meet the City's funding criteria. 2. Authorizing the City Manager to execute all original or amended documents or agreements to effectuate this action.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 13. Contract: California Constructores for Ohlone Park (East) Playground Replacement and Site Improvements Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution: 1. Approving the plans and specifications for the Ohlone Park (East) Playground Replacement and Site Improvements Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, California Constructores; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with California Constructores, for the Ohlone Park (East) Playground Replacement and Site Improvements Project at 1933 Hearst Avenue, in an amount not to exceed \$1,120,344 which includes a contract amount of \$933,620 and a 20% contingency in the amount of \$186,724.  
**Financial Implications:** Various Funds - \$1,120,344  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Consent Calendar

### 14. **Contracts: Consultants for On-Call Transportation Planning Services**

**From: City Manager**

**Recommendation:** Adopt five Resolutions authorizing the City Manager to execute individual contracts and any amendments, each for the period January 1, 2023 through June 30, 2028 for a total amount of all contracts not to exceed \$5,000,000 with the following consultants for On-call Transportation Planning Services:

1. Alta Planning + Design, Inc. for an amount not to exceed \$1,000,000.
2. Community Design + Architecture for an amount not to exceed \$1,000,000.
3. Fehr & Peers for an amount not to exceed \$1,000,000.
4. NN Engineering, Inc. for an amount not to exceed \$1,000,000
5. Toole Design Group, LLC for an amount not to exceed \$1,000,000.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

### 15. **Contracts: On-Call Architectural Services: ELS Architecture and Urban Design; Noll & Tam Architects; and Siegel & Strain Architects**

**From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call architectural design services in support of the City's annual Facilities CIP program, each from January 1, 2023 through December 31, 2025:

1. ELS Architecture and Urban Design (ELS), for an amount not to exceed \$3,333,334.
2. Noll & Tam Architects (N&T), for an amount not to exceed \$3,333,333.
3. Siegel & Strain Architects (SSA), for an amount not to exceed \$3,333,333.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

### 16. **Authorization for an Additional Commission on Disability Meeting in 2022**

**From: Commission on Disability**

**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Commission on Disability in 2022.

**Financial Implications:** None.

Contact: Andrew Brozyna, Commission Secretary, (510) 981-6300

## Consent Calendar

**17a. Measure FF Budget Recommendation - Expanded Fire Prevention Inspection Program** *(Reviewed by the Public Safety Committee)*

**From: Disaster and Fire Safety Commission**

**Recommendation:** With the risk of catastrophic wildfire steadily increasing due to climate change, the Disaster and Fire Safety Commission (DFSC) recommends prioritizing wildfire fuel reduction in the FY 23 and FY 24 Measure FF budget by expanding the Fire Department's Fire Prevention Inspection Program and fully enforcing the existing Fire Code to clear vegetation build-up and overgrowth within 100 feet of structures in Berkeley's Very High Fire Severity Zones (VHFSZs) (Fire Zones 2 and 3). In addition, the Fire Code would be strengthened as needed to require removal of hazardous vegetation on the entirety of properties beginning in FY 25. The program would provide for City vegetation management crews to clear vegetation where property owners opt into the program or fail to comply, with no-interest liens placed upon properties to recover direct costs upon transfer. Special emphasis should be placed on eucalyptus groves due to their high flammability and potential to create spot fires. Funding for this expanded program, together with the Fire Department's existing home inspection program, which is focused on creating defensible space around structures, would be supported by devoting 21 percent and 26 percent of Measure FF revenues for FY 23 and FY 24, respectively.

*Policy Committee Recommendation: On November 21, 2022, the Public Safety Committee adopted the following action: Positive recommendation to adopt the City Manager's recommendation as presented in the companion report.*

**Financial Implications:** See Report

Contact: Keith May, Commission Secretary, (510) 981-3473

**17b. Companion Report: Measure FF Budget Recommendation – Expanded Fire Prevention Inspection Program** *(Reviewed by the Public Safety Committee)*

**From: City Manager**

**Recommendation:** That the Berkeley City Council reaffirms its support for the work being conducted by the Fire Department (Department) and considers the Disaster and Fire Safety Commission's (DFSC) Report during the FY24 budget process if the DFSC so chooses to resubmit an updated version at that time.

*Policy Committee Recommendation: On November 21, 2022, the Public Safety Committee adopted the following action: Positive recommendation to adopt the City Manager's recommendation as presented in the companion report.*

**Financial Implications:** None

Contact: David Sprague, Fire, (510) 981-3473

**18. Zero-Emission Vehicle Parking Support Letter**

**From: Environment and Climate Commission**

**Recommendation:** Refer to the City Manager to send a letter to State Assemblymember Buffy Wicks and State Senator Nancy Skinner asking them to advance a proposal to allow cities to dedicate parking spaces for Zero-Emission Vehicles (ZEVs).

**Financial Implications:** See report.

Contact: Billi Romain, Commission Secretary, (510) 981-7400



## Council Consent Items

**19. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**

**From: Mayor Arreguin (Author)**

**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**20. Resolution Supporting Trip Reduction Alternative for BUSD Berkeley High School Tennis and Parking Structure Project**

**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor)**

**Recommendation:** Adopt a Resolution in support of a Trip Reduction Alternative to be included in the scope of the Environmental Impact Report for the Berkeley High School Tennis and Parking Structure Project at 2000 Bancroft Way, and send a copy of Resolution to the Berkeley Unified School District (BUSD) Board of Directors.

**Financial Implications:** None

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

## Action Calendar – Public Hearings

### 21. Zoning Ordinance Amendments Making Technical Edits and Corrections to Berkeley Municipal Code (BMC) Title 23

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of an Ordinance containing technical edits, corrections and other non-substantive amendments to the following sections of the Zoning Ordinance:

- BMC Section 23.108.020 (Zoning Districts)
- BMC Section 23.202.020 (Allowed Land Uses)
- BMC Section 23.202.140 (R-SMU District)
- BMC Section 23.204.150 (R-BMU District)
- BMC Section 23.204.020 (Allowed Land Uses)
- BMC Section 23.204.060 (C-U District)
- BMC Section 23.204.080 (C-E District)
- BMC Section 23.204.100 (C-SA District)
- BMC Section 23.206.040 (Use-Specific Regulations)
- BMC Section 23.406.050 (Variances)
- BMC Section 23.502.020 (Glossary)

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Action Calendar – New Business

### 22. Amendment: FY 2023 Annual Appropriations Ordinance

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,828-N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments authorized since July 1, 2022, in the amount of \$176,583,851 (gross) and \$170,322,312 (net).

**Financial Implications:** See Report.

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

## Action Calendar – Policy Committee Track Items

- 23. University Avenue Bus Rapid Transit**  
**From: Councilmember Taplin (Author)**  
**Recommendation:**  
1. Refer to the City Manager and the Department of Public Works the initiation of a University Avenue Multimodal Corridor Project that centers the creation of a Bus Rapid Transit (BRT) corridor along University Avenue with dedicated lanes and elevated platforms.  
2. Refer \$300,000 to the budget process to engage a consultant for the study, community feedback process, and design of the project.  
3. Refer \$30,000 to the budget process for the construction of elevated bus stop platforms for the purposes of bringing elevated platforms to University Avenue on a pilot basis.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 24. Referral to the Civic Arts Commission to Create an Official Song, Motto, and Flag for the City of Berkeley**  
**From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Refer to the Civic Arts Commission to select an official song, flag, and motto for the City of Berkeley by holding a city-wide competition, and approved by the City Council.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
- 25. Referral to the Health Commission to Regulate the Sale of Miniature Bottles of Alcohol “Airplane Bottles”**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Direct the Health Commission and the Environmental Commission to propose regulations on the sale of miniature bottles of alcohol (“Airplane Bottles”) in the City of Berkeley.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## Information Reports

- 26. FY 2022 Preliminary Year End Status**  
**From: City Manager**  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- 27. Status Report - Berkeley's Financial Condition (FY 2012 - FY 2021): Pension Liabilities and Infrastructure Need Attention**  
**From: City Manager**  
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

## Public Comment – Items Not Listed on the Agenda

# Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.  
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>  
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, South Branch – 1901 Russell

### COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.



Captioning services are provided at the meeting, on B-TV, and on the Internet.  
~~~~~



Office of the City Manager

CONSENT CALENDAR
December 13, 2022

To: Honorable Mayor and Members of the City Council
From: Commission on Disability
Submitted by: Michai Freeman, Chairperson, Commission on Disability
Subject: Authorization for an Additional Commission on Disability Meeting in 2022

RECOMMENDATION

Adopt a Resolution authorizing one additional meeting of the Commission on Disability in 2022.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Commission on Disability requests approval to hold a Special Meeting in December 2022, for the purpose of discussing and providing information to City Council on the Bike Plan, Auto Captioning at city meetings, and the elevator ordinance. Submission of this report for authorization of the additional meeting was approved by the Commission on Disability at its October 26, 2022 meeting. It was moved to approve by Freeman, and seconded by Walsh.

BACKGROUND

Resolution No. 68,258-N.S. governs the number of meetings for boards and commissions and places the Commission on Disability in Category B with a maximum of 10 meetings per year. In 2022, the Commission has held the maximum of 10 meetings from January through October.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts or opportunities associated with this report.

RATIONALE FOR RECOMMENDATION

The additional meeting requested for December is an opportunity for the Commission to provide information to Council members for consideration on matters of concern to Berkeley residents. The work planning of the Commission advances the City Strategic Plan Priority Goal of providing state-of-the art, well maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Andrew Brozyna, Secretary, Commission on Disability, (510) 981-6396

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING ADDITIONAL MEETING FOR THE COMMISSION ON DISABILITY

WHEREAS, Resolution No. 68,258-N.S. stipulates how many annual meetings are allowed for Berkeley's commissions and places the Commission on Disability in Category B, with a maximum of 10 meetings per year; and

WHEREAS, the Commission on Disability plans to hold an additional meeting in December for the purpose of discussing and providing information to City Council on the Bike Plan, Auto Captioning at city meetings, and the elevator ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council authorizes one additional meeting in 2022 for the Commission on Disability.



[Commission Name]

ACTION CALENDAR
December 13, 2022

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Weldon Bradstreet, Vice Chairperson, Disaster and Fire Safety Commission

Subject: Measure FF Budget Recommendation - Expanded Fire Prevention Inspection Program

RECOMMENDATION

Summary. With the risk of catastrophic wildfire steadily increasing due to climate change, the Disaster and Fire Safety Commission (DFSC) recommends prioritizing wildfire fuel reduction in the FY 23 and FY 24 Measure FF budget by expanding the Fire Department's Fire Prevention Inspection Program and fully enforcing the existing Fire Code to clear vegetation build-up and overgrowth within 100 feet of structures in Berkeley's Very High Fire Severity Zones (VHFSZs) (Fire Zones 2 and 3). In addition, the Fire Code would be strengthened as needed to require removal of hazardous vegetation on the entirety of properties beginning in FY 25. The program would provide for City vegetation management crews to clear vegetation where property owners opt into the program or fail to comply, with no-interest liens placed upon properties to recover direct costs upon transfer. Special emphasis should be placed on eucalyptus groves due to their high flammability and potential to create spot fires.

Funding for this expanded program, together with the Fire Department's existing home inspection program, which is focused on creating defensible space around structures, would be supported by devoting 21 percent and 26 percent of Measure FF revenues for FY 23 and FY 24, respectively. (See table below.)

Description. The Fire Department's existing home inspection program is focused primarily on ensuring 30 feet of defensible space around structures in Fire Zones 2 and 3. Consistent with Berkeley's and California's regulations, the DFSC recommends that the program be expanded to routinely require defensible space within 100 feet of any structure, particularly on any portion of a slope, including the removal of particularly fire-prone vegetation. The City should develop additional regulations to require removal of highly fire-prone vegetation on the entirety of properties beginning in FY 25. Highly fire-prone vegetation is widely recognized to include eucalyptus, Monterey pine, juniper, and limited other species.

The DFSC also recommends that the City expand its capability, possibly in conjunction with the Parks and Recreation Department, to clear brush and remove trees as necessary to meet existing regulations where property owners fail to comply, with liens placed upon properties to recover direct costs upon transfer, as provided under BFC Sec. 4907.2.2. As a City program is likely to provide economies of scale, other efficiencies, and expert guidance, and as the health and safety of Berkeley residents is promoted by facilitating compliance, property owners should be allowed to opt into the City's vegetation clearance program with cost-recovery provided through property liens. In either case, no interest should be assessed on direct costs, given the public benefits and the availability of Measure FF funds to carry the cost.

This proposed program is consistent with the recommendations of the Hills Emergency Forum, of which the City is a member along with other East Bay authorities, to thin and remove hazardous vegetation on private property as well as public property.¹ The initial phase of the program (FY 23) would be focused on requiring removal of debris build-up on the ground, loose bark to 8 feet above ground, tree limbs to 10 feet above ground, and saplings and subordinate trees that could ignite upper canopy throughout each property. The second phase (planned in FY 23, implemented beginning no later than FY 24) would require removal of hazardous trees and other hazardous vegetation, provide for any necessary erosion control measures, and encourage revegetation with native, fire-resistant species. Beginning in FY 25, property owners would be required to properly maintain their entire property, adding or clarifying Fire Code provisions as necessary that the Fire Department and the DFSC would develop in consultation with the City Attorney for Council's consideration. The proposed budgets may include a program manager, additional inspectors, expert consultants, and crews as needed.

Three additional elements of the program should include: (a) removal of trees and vegetation on private and City property to meet existing regulations that require unobstructed 20-foot clearance for emergency egress and emergency vehicle access²; (b) removal of hazardous trees and vegetation on City property as needed,³ and (c) removal of large trees posing public safety hazards on private property that have been identified outside of the VHFSZs, included in this program as an equity measure, if possible.⁴ The cost of clearing City property could be funded through Measure FF as needed.

¹ See Hills Emergency Forum (<http://www.hillsemergencyforum.org/MgmtRecmdtn.html>).

² Cal. Code Regs. tit. 14 § 1273.01.

³ The City's Parks and Recreation Department is currently addressing these hazards in city parks and may largely complete the effort in FY 22.

⁴ Consultation with the City Attorney as to the ability to expend Measure FF funds on trees posing safety hazards other than wildfire is advised.

RECOMMENDATIONS - EXPANDED INSPECTION PROGRAM		
	FY 23 \$	FY 24 \$
Continue current (FY 22) spending on Inspection Program, recurring) (Estimated)	\$ 1,000,000	\$ 1,080,000
Expanded Program*	\$ 770,000	\$ 1,140,000
Develop new fire safety regulations as needed	\$ -	\$ -
Total	\$ 1,770,000	\$ 2,220,000
Measure FF Annual Revenue	\$ 8,500,000	\$ 8,500,000
TOTAL % FF Funds	21%	26%

* Cost of fuel removal, where necessary, to be recovered via property liens

POLICY COMMITTEE RECOMMENDATION

On November 21, 2022, the Public Safety Committee adopted the following action: M/S/C (Kesarwani/Wengraf) Positive recommendation to adopt the City Manager’s recommendation as presented in the companion report. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

This DFSC recommendation addresses the prioritization of Measure FF funds and will have no impact on General Funds. However, by prioritizing the reduction of flammable vegetation throughout Berkeley’s VHFSZs, these recommendations will reduce the likelihood of wildfire and the intensity and severity of any wildfires that occur in the City, which would destroy homes and other property and have other far-reaching negative fiscal impacts, including exacerbation of the existing housing crisis.

The Fire Department recently abandoned an application for a CalOES/FEMA grant to address hazardous vegetation due to competing priorities, disqualifying events, costs and disproportionate commitment of staff time needed for grant application and performance.⁵

CURRENT SITUATION AND ITS EFFECTS

At the April 27 Special Meeting, the commission passed a motion to recommend prioritizing wildfire fuel reduction in the FY 23 and FY 24 Measure FF budget by expanding the Fire Department’s Fire Prevention Inspection Program and fully enforcing the existing Fire Code to clear vegetation build-up and overgrowth within 100 feet of structures in Berkeley’s Very High Fire Severity Zones (VHFSZs) (Fire Zones 2 and 3). M/SC: (Stein, Bradstreet) Ayes: Bradstreet, Rader, Cutler, Stein, Simmons; Noes: Bedolla, Abstain: None; Absent: Dean, Degenkolb.

⁵ BFD Monthly Report to the DFSC, March 23, 2022.

The Fire Department's existing home inspection program is generally limited to addressing a 30-foot radius around structures in Fire Zones 2 and 3, and removal of hazardous vegetation (e.g., eucalyptus and junipers) is generally not required. Therefore, the inspection program does not address major areas of vegetation build-up and hazardous trees on private land. Such vegetation is widely recognized to contribute to the likelihood, severity and speed of a wildfire and thus poses an immediate wildfire threat to the City. As discussed below, however, California's and Berkeley's regulations provide for more aggressive inspections and enforcement.

BACKGROUND

Measure FF passed on November 3, 2020, with a 74.2 percent "yes" vote and generates approximately \$8.5 million annually. Among other important objectives, including improvements to the 9-1-1 dispatch system, training facility improvements, and funding of new ambulances and technicians, the measure supports wildfire prevention and preparedness activities including vegetation management. In a 2020 community survey, a tax for wildfire prevention received 69 percent approval from residents and was the most popular rationale for a new tax to support fire and emergency services.⁶

Measure FF funds have been used in part to create a home inspection program housed in the Fire Department, which is aimed primarily at creating 30 feet of "defensible space" around structures. "Defensible space" means the area adjacent to a structure where wildfire prevention or protection practices are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.⁷ Slope is a primary factor that increases an area's susceptibility to wildfire.⁸ Berkeley's Fire Department inspectors may require additional treatments within 100 feet of any property,⁹ however this is the "exception rather than the rule."¹⁰ State

⁶ See p. 5 of the supplemental material for item 13 on the June 2, 2020 Council meeting: https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/City_Council_06-02-2020_-_Regular_Meeting_Agenda.aspx.

⁷ See Cal. Gov. Code Sec. 51177(a) and BFC Sec. 4907.2.1. <https://berkeley.municipal.codes/BMC/19.48.020>.

⁸ See CalFire, Prepare for Wildfire – Defensible Space, <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>.

⁹ Berkeley Fire Department, "Fire Prevention Inspection Report, Wildland-Urban Interface Area" (Rev. 05/2020) (included in June 1, 2021, Berkeley Fire Department mailing to Berkeley property owners).

¹⁰ According to Chief May of the BFD, "State law technically makes a property owner responsible for providing defensible space on their property out to a distance of 100 ft. from structures. However, the same law allows for varying intensity of vegetation management between 0 ft. – 30 ft. and 30 ft. – 100 ft. from structures. Based on our local lot size and geometry the Berkeley Fire Department is concentrating on the space

law, however, requires 100 feet of defensible space for all properties in wildfire-urban interface areas,¹¹ and most of Fire Zones 2 and 3 is on slopes. Given the threat of wildfire and given that many private property areas within Berkeley contain dense and hazardous vegetation that will go untreated under current practice, Berkeley should fully enforce state requirements, which are consistent with Berkeley's Fire Code that requires maintenance of an effective firebreak by "removing and clearing away flammable vegetation and combustible growth." Flammable vegetation is widely recognized to include eucalyptus, Monterey pine, juniper and limited other species.^{12,13}

Berkeley has many areas of vegetative fuel build-up that are beyond 30 feet of any structure. Examples of large such areas include numerous concentrations of eucalyptus and other hazardous vegetation that exist throughout Fire Zones 2 and 3, including canyons with creeks, such as Cerritos Creek and Codornices Creek canyons, and areas between homes on the long slopes between tiered streets that are often untended and overgrown. Eucalyptus trees are a particular hazard, due to their high fuel-loading per acre, ease of ignition, fire intensity and flame length.¹⁴

The Hillside Fire Safety Group has identified seven eucalyptus groves of 15 trees or more on 103 private properties and three groves of 15 trees or more in three City parks (Remillard, Cragmont Rock and Glendale-La Loma). Smaller groups or single trees have also been found on 16 private properties and on seven other City properties (Two parks and 5 Right-of-Ways). In total, Eucalyptus trees have been found on approximately 119 private properties and 10 City locations. The 10 groves private and City property account for most of the approximately 717 eucalyptus trees north of the

0 ft. – 30 ft. from structures as well as within 10 ft. of road and street frontages. There may be some circumstances where [defensible space] greater than 30 ft. is necessary and achievable, but these will be exceptions rather than the rule. There is no requirement to 'groom hillsides' (i.e., to cut/trim vegetation just to cut vegetation). Vegetation management is required where conditions in one of the defensible spaces around a structure or other target area require it." (Response to October 18, 2021, questions posed by DFSC Commissioner Rader.)

¹¹ See CalFire, "Homeowners Checklist" (2009). <https://www.readyforwildfire.org/wp-content/uploads/Homeowners-Checklist.pdf>

¹² See notes 13, 14, 22, and 28 *infra*.

¹³ Flammable vegetation expressly does not include "[s]pecimens of trees, ornamental shrubbery or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure." BFC Sec. 4907.2.

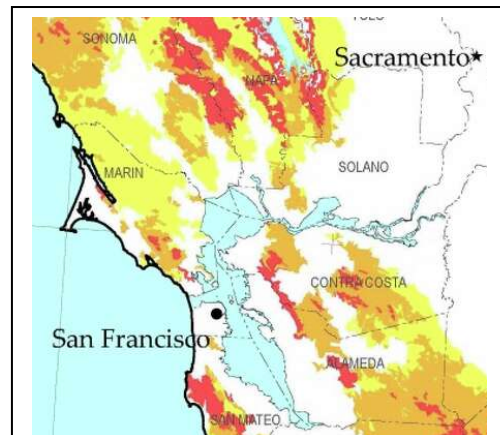
¹⁴ See East Bay Regional Park District, "Blue Gum Eucalyptus: A Wildfire Threat" (<http://www.hillsemergencyforum.org/docs/EucTreatment.pdf>); Russell and McBride, 2002, Agree et al., 1973, and Chenny, 1981, as cited in J.R. McBride's Fuel Management Proposal for Claremont and Strawberry Canyons, 2019. (Available at <https://www.claremontcanyon.org/fuel-management-proposal>.)

UC Berkeley and Berkeley Lab campuses.¹⁵ When one adds the approximately 415 Eucalyptus trees along the northern boundary of the UC Berkeley and Berkeley Lab campus, the total number of Eucalyptus trees in north Berkeley is 1,132. This does not include the Eucalyptus trees further to the south inside the UC Berkeley and Berkeley Lab campuses.

A significantly smaller number of additional hazardous trees exist in Fire Zone 3 (Panoramic Hill) and in the Fire Zone 2 area south of campus (areas of which burned in the 1991 Tunnel Fire). Many, if not most, of these areas require clean up. Better fuel management can also enable firefighters to assemble and more safely undertake fire suppression activities.¹⁶

The consultant recently hired by the Fire Department to prepare its Community Wildfire Protection Plan (CWPP) has explained the “unparalleled” potential of burning eucalyptus embers to create spot fires, which create some of the most destructive wildfires. The consultant noted that “[p]revention of crown fire in eucalyptus in the Berkeley/Oakland hills, and elsewhere in the East Bay *is of paramount importance to the fire safety of a very large population.*”¹⁷ For this reason, eucalyptus groves should be prioritized in the City’s inspection program.

It is well understood that ladder fuels can carry fire from ground fuels to tree crowns where it can become a devastating fire that quickly spreads.¹⁸ Within its “State Responsibility Area,” CalFIRE has embarked on many programs to reduce fuel loads and create horizontal and vertical fuel breaks to protect California’s most wildfire-vulnerable communities.¹⁹ CalFIRE is not responsible for densely populated areas, however, which falls to local governments such as Berkeley. (See Figure at right.) While CalFIRE addresses fuel loads in areas near or adjacent to vulnerable urban areas, it is



CalFire map shows Northern California's fire severity zones, with red areas, including the Berkeley hills, signifying very high risk. Much of the very-high-risk areas shown have burned in

¹⁵ Hillside Fire Safety Group presentation to the DFSC Rock Park and additional groves and trees in areas not

¹⁶ Note 14 *supra* (McBride 2019).

¹⁷ Carol Rice, Wildland Res Mgt, UC Berkeley [Wildland](#) pp. 25-27 (July 2020 Draft). Emphasis added.

¹⁸ See CalFIRE, Fire and Fuels Treatment: <https://www.fire.ca.gov/programs/resource-management/resource-protection-improvement/wildfire-resilience/forest-stewardship/fire-and-fuels-treatment/>.

¹⁹ See, e.g., CalFIRE’s Fuel Reduction Guide (2021) (<https://www.fire.ca.gov/media/4jqerfjh/fuels-reduction-guide-final-2021-interactive.pdf>).

obviously at least equally important to address fuel loads *within* dense urban areas to reduce the likelihood and impacts of catastrophic wildfire.

The California Constitution generally prohibits “gifts of public funds” to any public or private person; however, such gifts are allowed for a public purpose, and that public purpose is to be liberally construed.²⁰ The city and state have numerous programs that spend public funds on private property for the purposes of disaster preparedness and public safety.²¹ Using public funds to reduce fuels that significantly contribute to the risk of wildfire would likely be considered a public purpose, particularly given the limited incidental benefits that would accrue to landowners. Berkeley’s City Attorney should confirm this view.

ENVIRONMENTAL SUSTAINABILITY

Acting on these recommendations will reduce the likelihood, intensity and severity of a wildfire in the City, potentially avoiding devastating and far-reaching human and environmental impacts in our City. Burnt landscapes can be slow to recover and can lead to polluted water sources, erosion or landslides, and health impacts from airborne ash.²²

The proposed City-run crews would promote the replacement of flammable, non-native tree and shrub species with natural, more fire-resistant native species that provide superior habitat for many insect, avian, and mammal species, compared with eucalyptus.²³ To prevent regrowth of eucalyptus, City crews should rely on non-pesticidal, manual sprouting control for several years following eucalyptus removal, if

²⁰ See League of California Cities, “Gift of Public Funds (Spoiler Alert: It’s Illegal)” at p. 1. Available at: <https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Annual-2016/10-2016-Annual-Forbath-Gift-of-Public-Funds-Spoile.aspx>.

²¹ Several City of Berkeley programs provide public funds for private benefit, including a FEMA-funded seismic retrofit program providing grants of up to \$150,000 (see https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Building_and_Safety/RetrofitGrants_ProgramRules.pdf), and a free fuel chipper and debris bin program, funded through a refuse bill surcharge (see https://www.cityofberkeley.info/fire_fuel_program/). Alameda County offers grants of up to \$10,000 per homeowner to abate lead hazards (see <https://www.achhd.org/programs/leadfunding.htm>).

²² Cartier, K. M. S. (2022), U.S. fires quadrupled in size, tripled in frequency in 20 years, *Eos*, 103, <https://doi.org/10.1029/2022EO220188>. Published on 08 April 2022.

²³ See: California Native Plant Society East Bay (<https://ebcnps.org/conservation/balancing-fire-safety-with-native-ecosystem-protection-2022-02/>); Hills Emergency Forum (<http://www.hillsemergencyforum.org/MgmtRecmdtn.html>); East Bay Regional Park District, “Blue Gum Eucalyptus: A Wildfire Threat” (<http://www.hillsemergencyforum.org/docs/EucTreatment.pdf>);

stumps are not removed. In drafting expanded or clarified portions of the Fire Code, the City should consider requiring property owners to employ manual sprouting control and revegetation with fire-resistant native species that also promote erosion control as necessary. The Hills Emergency Forum, of which the City is a member along with other East Bay authorities, has developed best management practices (BMPs) to reduce potential environmental impacts of fuel reduction projects and to comply with various laws and regulations which may be consulted.²⁴

The revegetation component of the program is expected to partially mitigate the carbon impact of removing hazardous trees. The City could mitigate remaining carbon impacts by using additional Measure FF funds to supplement the City's existing program to plant trees in northwest and southwest Berkeley.²⁵

Permits are not required to prune or remove any tree on private property, with the exception of coast live oak²⁶ (which is not fire-prone).

Land use projects that require trees to be cut down are often not considered significant environmental effects under the California Environmental Quality Act (CEQA).²⁷ While the City may nevertheless find "detriment" under the City's zoning ordinance for impacts not considered significant, the environmental and public safety benefits of removing hazardous vegetation more than outweigh any such detriments, particularly given the revegetation element of the program.

RATIONALE FOR RECOMMENDATION

The geography, weather patterns, drought conditions and dense vegetation in the East Bay create ideal conditions for wildfire, which could have devastating consequences to Berkeley. Reducing these fuels wherever they exist has been identified as a high priority in the CWPPs of other East Bay jurisdictions²⁸ that have identified eucalyptus and Monterey pine as a particular hazard "due to their rapid growth, height at maturity,

²⁴ See Hills Emergency Forum, Best Management Practices Working Paper, 10/17/08 (<http://www.hillsemergencyforum.org/docs/BMPs.pdf>).

²⁵ See *Berkeleyside*, "Berkeley residents can request free saplings to combat tree inequity" (March 8, 2022) (<https://www.berkeleyside.org/2022/03/08/trees-make-life-better-berkeley>). Also see: https://www.cityofberkeley.info/tree_planting/.

²⁶ See City of Berkeley, Tree Pruning and Removal (https://www.cityofberkeley.info/pruning_removal/).

²⁷ See City of Berkeley, General Information on CEQA ([https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Environmental_Review_\(CEQA\).aspx](https://www.cityofberkeley.info/Planning_and_Development/Land_Use_Division/Environmental_Review_(CEQA).aspx)).

²⁸ See the CWPPs of El Cerrito-Kensington, Contra Costa County, Alameda County and others available at the website of the Diablo Firesafe Council, www.diablofiresafe.org. Also see EBRPD, note 5 *supra*.

dense foliage, shallow root structure, flammability, breakability or invasiveness.”²⁹
“[E]ucalyptus ... are subject to torching and crown fires with potential high ember flight rates into residential areas.”³⁰

UC Berkeley (UCB) has also recognized the threat, having cleared eucalyptus trees in Claremont Canyon.³¹ UCB is currently in the process of removing eucalyptus and other trees and ladder fuels in the hills behind UCB along the Jordan Fire Trail, as part of a larger plan entailing the widespread removal of eucalyptus trees.³² LBNL is currently seeking \$2.9 million from CalFire to remove all 1,500 eucalyptus trees on its property.³³

The areas containing the greatest mass of hazardous fuel build-up in Berkeley exist on private property beyond 30 feet of any structure (or 100 feet on slopes) and are not currently being routinely addressed by the Fire Department’s residential vegetation management inspection program. Removal of hazardous vegetation is the most effective and timely means available to the City for reducing the severe risk of wildfire. In addition, tall trees posing public safety hazards have been identified outside of the VHFSZs and should be included in this program if possible.

The City could pattern the program after the Parks & Recreation’s vegetation removal program (or expand the program), where Parks conducts competitive bidding and issues umbrella contracts to several firms that are then called upon for specific jobs. Parks may also have procedures to cost share where private property is involved.

The DFSC estimates that all of Berkeley’s hazardous vegetation could be removed by continuing this program for an additional one to three years beyond FY 24, depending on the rate of homeowner opt-in to the City’s clearance program and compliance failure rates, the actual cost of removing trees and revegetating, and the timeliness of any necessary changes to the Fire Code.

²⁹ See *El Cerrito - Kensington Wildfire Action Plan*, p. 1.7. Also see *Contra Costa County Community Wildfire Protection Plan Update*, p. 2.5 and *Sunol Wildfire Action Plan* at 4.2.

³⁰ *Ibid.*

³¹ See <https://www.dailycal.org/2021/01/19/uc-berkeley-project-removes-claremont-canyon-trees-for-evacuation-route/#:~:text=In%20a%20project%20spearheaded%20by%20UC%20Berkeley%2C%20eucalyptus,November%202020%2C%20according%20to%20campus%20spokesperson%20Janet%20Gilmore.>

³² See <https://www.berkeleyside.org/2021/09/06/popular-cal-trail-closes-fire-safety-work/>.

³³ Personal correspondence between Jennifer Tang, Director of Community Relations, Lawrence Berkeley National Laboratory and Henry DeNero, Hillside Fire Safety Group, January 2022.

Measure FF Budget Recommendation - Expanded Fire Prevention Inspection ACTION CALENDAR
Program

December 13, 2022

Adopting this recommendation will ensure that the City immediately reduces the extreme risk of wildfire, reduces the likelihood of ignition of homes and other structures in the event of wildfire, and meets the City's obligations under Measure FF.

ALTERNATIVE ACTIONS CONSIDERED

The DFSC considered and rejected an alternate proposal that would have used Measure FF funds to pay for the removal of hazardous vegetation, rather than requiring property owners to do so at their own expense or via placement of liens.

The Fire Department may have alternative proposed recommendations for the expenditure of Measure FF funds.

CITY MANAGER

See Companion Report

CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-5508



Environment and Climate Commission

CONSENT CALENDAR
December 13, 2022

To: Honorable Mayor and Members of the City Council
 From: Environment and Climate Commission
 Submitted by: Ben Gould, Chairperson, Environment and Climate Commission
 Subject: Zero-Emission Vehicle Parking Support Letter

RECOMMENDATION

Refer to the City Manager to send a letter to State Assemblymember Buffy Wicks and State Senator Nancy Skinner asking them to advance a proposal to allow cities to dedicate parking spaces for Zero-Emission Vehicles (ZEVs).

FISCAL IMPACTS OF RECOMMENDATION

Minimal staff time.

CURRENT SITUATION AND ITS EFFECTS

State law currently prohibits the City of Berkeley from dedicating parking spaces for zero-emission vehicles without also installing an EV charger. EV chargers are expensive, and as a result, they are few and far between on City streets.

As a result, EVs are forced to compete with legacy gas cars for parking spaces, and the City is unable to use parking access as an incentive mechanism to drive adoption and use of EVs.

At its meeting of October 19, 2022, the Environment and Climate Commission approved a motion by a vote of 6-1-0-1 to ask the City Council to send letter to state representatives allowing cities to designate parking for ZEVs. Motion/second Lunaparra, Gould. Ayes: Ranney, Hedlund, McGuire, Tahara, Lunaparra, Gould. Noes: Allen. Abstain: None. Absent: Guliasi.

BACKGROUND

Berkeley has adopted numerous ambitious policies around climate change, including the goal of becoming a fossil free city, carbon neutrality by 2045, and a goal of 100% sustainable transportation by 2040.

In November 2019, the Community Environmental Advisory Commission (CEAC), an ECC predecessor commission, approved a recommendation to City Council to explore operation, parking, or idling of combustion vehicles on City streets beginning in 2045, with the aim of enforcing Berkeley's carbon neutrality goal in transportation.

In late 2020, when this item came before the FITES committee, the City Attorney determined that such a policy would be preempted under state law. The California vehicle code is strictly construed, and as such, powers not explicitly authorized to municipalities are reserved to the state (see *Rumford v. City of Berkeley*, 1982).

As found in *Rumford*, changes to state law are required to lawfully enact the proposed policy.

With the assistance of a state legislator, draft legislation was developed in 2021 which would amend the California Vehicle Code to permit cities and private parking operators to dedicate parking spaces for zero emission vehicles, without requiring the installation of EV charging. (Exemptions are provided for vehicles displaying a disabled placard or license plate). This policy would provide Berkeley with another tool to encourage the use of EVs and help the city achieve its goal of 100% sustainable transportation by 2040.

ENVIRONMENTAL SUSTAINABILITY

Sending a letter in and of itself has no sustainability impacts, but if the law were adopted and Berkeley chose to take advantage of it, making parking spaces reserved for EVs would encourage the adoption and use of EVs, reducing greenhouse gas emissions and helping achieve Berkeley's climate goals.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Because this activity does not have the potential to cause a significant effect on the environment, it is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant impact on the environment (CEQA Guidelines 15061(b)(3)).

RATIONALE FOR RECOMMENDATION

This item supports the goal of 100% sustainable trips, becoming a fossil-free city, and achieving carbon neutrality.

ALTERNATIVE ACTIONS CONSIDERED

ECC considered taking no action, but determined that would fail to advance Berkeley's climate goals.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Ben Gould, Chairperson, Environment and Climate Commission, 510-725-9176

Letter of Support for ZEV Parking

CONSENT CALENDAR
December 13, 2022

Attachments:

Attachment 1: Letter

Attachment 2: Draft bill

[DATE]

[ADDRESS]

RE: City of Berkeley's Request for Legislation to Authorize Dedicated Zero-Emission Vehicle Parking

Dear Senator Skinner and Assemblymember Wicks,

The Berkeley City Council would like to request an amendment to the California Vehicle Code to authorize local governments to dedicate parking spaces for zero-emission vehicles, without requiring an EV charger, as a potential strategy for encouraging and increasing the use of zero-emission vehicles.

Berkeley has set ambitious goals of carbon neutrality by 2045, 100% sustainable trips by 2040, and becoming a fossil free city by 2030. We are working aggressively to ensure a rapid, just transition to zero emissions in all sectors of our local economy. Berkeley seeks to implement innovative, forward-thinking policies to achieve these goals, like our first-in-the-nation natural gas ban in 2019, which has become the gold standard statewide.

Cities around the world, including London, Paris, Barcelona, Stuttgart, Amsterdam, and others, are implementing policies to restrict the use of old, polluting gas- and diesel-powered vehicles within their city centers. In California, however, cities lack the ability to implement any similar restrictions. Without authority explicitly granted in the California Vehicle Code, California cities have their hands tied when it comes to how much pollution vehicle operators can produce on local roads.

While broader restrictions on the use of polluting vehicles on city streets could be cost-prohibitive to implement and enforce, Berkeley is interested in exploring the opportunities to encourage zero-emission vehicle usage by restricting certain parking spots, in certain locations, to zero-emission vehicles only (with exceptions for vehicles displaying a disabled placard). We believe this can send an effective signal to residents and businesses to encourage a more rapid transition, and that it can be implemented as part of a comprehensive strategy to ensure continued equitable mobility and accessibility across socioeconomic levels and disability status. Berkeley's existing Electric Mobility Roadmap will serve as a guide in this regard.

Please find attached draft bill language, prepared by the Office of Legislative Counsel, for your consideration in the upcoming legislative cycle.

Sincerely,

Berkeley City Council

[DATE]

[ADDRESS]

RE: City of Berkeley's Request for Legislation to Authorize Dedicated Zero-Emission Vehicle Parking

Dear Senator Skinner and Assemblymember Wicks,

The Berkeley City Council would like to request an amendment to the California Vehicle Code to authorize local governments to dedicate parking spaces for zero-emission vehicles, without requiring an EV charger, as a potential strategy for encouraging and increasing the use of zero-emission vehicles.

Berkeley has set ambitious goals of carbon neutrality by 2045, 100% sustainable trips by 2040, and becoming a fossil free city by 2030. We are working aggressively to ensure a rapid, just transition to zero emissions in all sectors of our local economy. Berkeley seeks to implement innovative, forward-thinking policies to achieve these goals, like our first-in-the-nation natural gas ban in 2019, which has become the gold standard statewide.

Cities around the world, including London, Paris, Barcelona, Stuttgart, Amsterdam, and others, are implementing policies to restrict the use of old, polluting gas- and diesel-powered vehicles within their city centers. In California, however, cities lack the ability to implement any similar restrictions. Without authority explicitly granted in the California Vehicle Code, California cities have their hands tied when it comes to how much pollution vehicle operators can produce on local roads.

While broader restrictions on the use of polluting vehicles on city streets could be cost-prohibitive to implement and enforce, Berkeley is interested in exploring the opportunities to encourage zero-emission vehicle usage by restricting certain parking spots, in certain locations, to zero-emission vehicles only (with exceptions for vehicles displaying a disabled placard). We believe this can send an effective signal to residents and businesses to encourage a more rapid transition, and that it can be implemented as part of a comprehensive strategy to ensure continued equitable mobility and accessibility across socioeconomic levels and disability status. Berkeley's existing Electric Mobility Roadmap will serve as a guide in this regard.

Please find attached draft bill language, prepared by the Office of Legislative Counsel, for your consideration in the upcoming legislative cycle.

Sincerely,

Berkeley City Council

UNBACKED

11/23/21 12:38 PM
RN 21 19710 PAGE 2

72047

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 22511.2 of the Vehicle Code is amended to read:

22511.2. (a) A parking space served by electric vehicle supply equipment or designated for the exclusive purpose of parking a zero-emission vehicle or a parking space designated as a future electric vehicle charging space shall count as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction.

(b) An accessible parking space with an access aisle served by electric vehicle supply equipment or an accessible parking space with an aisle designated as a future electric vehicle charging space shall count as at least two standard automobile parking spaces for the purpose of complying with any applicable minimum parking space requirements established by a local jurisdiction.

(c) This section does not modify the approval requirements for an electric vehicle charging station pursuant to Section 65850.7 of the Government Code.

(d) The following definitions apply for purposes of this section:

(1) "Electric vehicle supply equipment" has the same definition as that term is used in the latest published version of the California Electrical Code, that is in effect, and applies to any level or capacity of supply equipment installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

(2) "Electric vehicle charging space" means a space designated by a local jurisdiction for charging electric vehicles.

(3) "Local jurisdiction" means a city, including a charter city, county, or city and county.

(4) "Zero-emission vehicle" shall have the same definition as in Section 44258 of the Health and Safety Code.

SEC. 2. Section 22511.25 is added to the Vehicle Code, to read:

22511.25. (a) (1) A local authority, by ordinance or resolution, or a person in lawful possession of an offstreet parking facility may designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person for the exclusive purpose of parking a zero-emission vehicle.

(2) A local authority, by ordinance or resolution, may designate stalls or spaces on a public street within its jurisdiction for the exclusive purpose of parking a zero-emission vehicle.

(b) A person shall not park or leave standing a vehicle in, or obstruct, block, or otherwise bar access to, a stall or space designated pursuant to subdivision (a) unless the vehicle meets the definition of a zero-emission vehicle.

(c) A person may park or leave standing a vehicle that displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59 in a stall or space reserved for the exclusive purpose of parking a zero-emission vehicle, even if the vehicle is not a zero-emission vehicle.

(d) For purposes of this section, "zero-emission vehicle" shall have the same definition as in Section 44258 of the Health and Safety Code.

(e) This section does not interfere with existing law governing the ability of local authorities to adopt ordinances related to parking programs within their jurisdiction,



211971072047BILLS11

UNBACKED

11/23/21 12:38 PM
RN 21 19710 PAGE 3

72047

such as programs that provide free parking in metered areas or municipal garages for electric vehicles.

SEC. 3. The Legislature finds and declares that ensuring access to zero emission vehicle parking spaces is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act amending Section of the 22511.2 of the Vehicle Code applies to all cities, including charter cities.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

- 0 -

SECURITY COPY



211971072047BILLMS11

UNBACKED

11/23/21 12:38 PM
RN 21 19710 PAGE 1

72047

LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____
as introduced, _____
General Subject: Vehicles: local regulation: parking: zero-emission vehicles.

Existing law authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person, or stalls or spaces on a public street within a local authority's jurisdiction, for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes. Under existing law, a violation of the Vehicle Code is an infraction, unless otherwise specified.

This bill would additionally authorize a local authority, by ordinance or resolution, or a person in lawful possession of an offstreet parking facility to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person, or stalls or spaces on a public street within a local authority's jurisdiction, for the exclusive purpose of parking a zero-emission vehicle, as specified. The bill would prohibit a person from parking or leaving standing a vehicle in, or obstructing, blocking, or otherwise barring access to, a stall or space designated, as authorized under the bill, unless the vehicle meets the definition of a zero-emission vehicle. Because a violation of this prohibition would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

Existing law requires a parking space served by electric vehicle service equipment and a parking space designated as a future electric vehicle charging space to be counted as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction.

This bill would also require a parking space designated for the exclusive purpose of parking a zero-emission vehicle to be counted as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking requirements established by a local jurisdiction.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



211971072047BILLMS11



Office of the Mayor

CONSENT CALENDAR

December 13, 2022

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguín to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguín and any other Councilmembers who would like to contribute.

BACKGROUND

The Berkeley Holiday Fund has helped make the holiday season happier for hundreds of Berkeley's neediest residents for 109 years. An all-volunteer organization, the Berkeley Holiday Fund has been partnering with 33 Berkeley service agencies, such as the Health Department, senior centers, Head Start, BOSS, and the Center for Independent Living. By keeping operating costs to a minimum, the Berkeley Holiday Fund ensures that all contributions go directly to help those who need it the most. Last year, they were able to bring a little cheer into the lives of 1,114 Berkeley families distributing almost \$150,000.

The Mayor's office has actively participated in this program for over 25 years by providing application cards and first class postage to Berkeley Holiday Fund recipients. This year the Berkeley Holiday Fund anticipates distributing approximately 1,200 checks to individuals and families. This item requests the City Council approve an expenditure, not to exceed \$500 of funds from the from the Mayor's office budget to help cover these costs.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from the Mayor's office budget discretionary account.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Berkeley Holiday Fund 2020

CONSENT CALENDAR
December 13, 2022

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

2: Letter from Berkeley Holiday Fund

RESOLUTION NO. ##,###-N.S.

BERKELEY HOLIDAY FUND 2022

WHEREAS, the Berkeley Holiday Fund has been making small grants to Berkeley's neediest citizens for 109 years; and

WHEREAS, last year, the Berkeley Holiday Fund distributed almost \$150,000 to 1,144 Berkeley families; and

WHEREAS, Berkeley Holiday Fund partners with 33 Berkeley service agencies including the Health Department, senior centers, Head Start, BOSS, and the Center for Independent Living; and

WHEREAS, the Berkeley Mayor's Office has supported the Berkeley Holiday Fund's efforts for over 25 years by reproducing request forms and providing first class postage costs; and; and

WHEREAS, Mayor Arreguin has surplus funds in his office expenditure account; and

WHEREAS, the Berkeley Holiday Fund seeks funds in the amount of \$500 to help cover the costs of providing checks to Berkeley Holiday Fund recipients; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of providing services to low income residents of the City of Berkeley.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the Berkeley Holiday Fund for helping cover the costs of providing checks to Berkeley Holiday Fund recipients.

BERKELEY HOLIDAY FUND

Post Office Box 9779 ♦ Berkeley, California 94709

www.BerkeleyHolidayFund.org

HONORARY CHAIRPERSON
Jesse Arreguin, Mayor of Berkeley

EXECUTIVE BOARD
Andrew T. Williams, Co-Chairman
Linda V. Williams, Co-Chairman
Virginia Meyer, Secretary
Judith L. Bloom, CPA, Treasurer
Jo Bradley
Bob Dixon
Julie Durkee
Jill L'Esperance
Ray L'Esperance
Hilary Mitchell

SPONSORS
Schuyler and Susie Bailey
Ben Bartlett
Narsai and Venus David
Cheryl Davila
Patricia Dechow and Richard Sloan
Bruce Dodd
Lori Droste
Frederica Drotos
Jerome Falk
Fred and Renée Fassett
Daniel and Kate Funk
The Geiken Family
Paul and Susan Grossberg
Sophie Hahn
Kate Harrison
Timothy Hassler
Frances Hellman and Warren Breslau
Richard and Valerie Herr
Susan and David Hodges
Ann-Marie Hogan
Janice Kelly
Rashi Kesarwani
Norman and Florence Lind
Tom and Susan Luten
Ruth Muschel and Gillies McKenna
Jane and Bill Neilson
Mike and Carina O'Brien
Martin Paley
J. Park
James and Ruth Reynolds
Marc A. Rieffel
Rigel Robinson
Bruce and Teddy Schwab
Margaret and Contee Seely
Robert Smith and Janet Huseby
Timothy Stokes and Andrea Lewis
Bibi Tiphane
Susan Wengraf
William and Mary Alice Yund

October 17, 2022

The Honorable Jesse Arreguin
Mayor of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Dear Mayor Arreguin:

On behalf of the Board of the Berkeley Holiday Fund, I want to thank the Mayor's office for its continuing, generous support for the Fund's annual disbursement of holiday gifts to Berkeley's neediest citizens. And to you personally for serving as the Honorary Chairperson of the Fund. For 109 years the Fund has solicited donations from the citizens of Berkeley and now partners with almost thirty local social service agencies to identify Berkeley citizens in need of help during the holidays.

Last year, with your help, we were able to offer much needed cheer during the holiday season by sending checks totaling almost \$150,000 and to more than 1,100 individuals and families in Berkeley.

We are requesting that you continue your longstanding support for our efforts. For more than twenty-five years the Mayor's Office has aided the Holiday Fund. We are grateful for your support of the Berkeley Holiday Fund as our Honorary Chairman and the support of the City Council members as Sponsors.

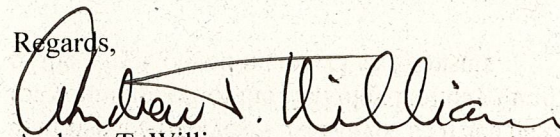
This year we anticipate distributing approximately 1,200 checks to individuals and families, While we fund every request we receive, the number of requests from agencies varies from year to year, and we only send one check to individuals families recommended by multiple agencies.

Since this expenditure requires Council approval, we are formally requesting \$500 in support and are asking for your help in obtaining that approval.

In past years some council members have added funds from their office accounts. We deeply appreciate their support.

Thank you again for all the support and encouragement you have provided in the past to this truly unique Berkeley institution.

Regards,


Andrew T. Williams
Co-Chairperson



CONSENT CALENDAR
December 13, 2022

To: Honorable Mayor and Members of the City Council
 From: Councilmember Taplin and Councilmember Harrison
 Subject: Resolution Supporting Trip Reduction Alternative for BUSD Berkeley High School Tennis and Parking Structure Project

RECOMMENDATION

Adopt a Resolution in support of a Trip Reduction Alternative to be included in the scope of the Environmental Impact Report for the Berkeley High School Tennis and Parking Structure Project at 2000 Bancroft Way, and send a copy of Resolution to the Berkeley Unified School District (BUSD) Board of Directors.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

On September 7, 2022, the Berkeley Unified School District (BUSD) Board of Directors voted to remove plans for a new operations facility at 2000 Bancroft Way, at the intersection of Milvia Street. This would leave only a new parking garage and tennis course in this project, with a proposed \$27 million expenditure of funds from Measure G, the 2020 BUSD facilities bond measure. Due to a number of CEQA challenges, while the operations facility “was originally the most economical option, it is the opinion of the [BUSD] staff and the District’s consultants that this is no longer the best course of action to take.”¹

However, mitigation of community impacts from a new parking garage would still be substantial, for benefits that remain uncertain. For example, the new Center Street Garage offers 720 parking spaces, but has been unable to provide sufficient revenue to fully cover revenue bond debt servicing and operational costs without additional subsidy. In Fiscal Year 2021, the City of Berkeley allocated \$1,910,250 from the General Fund and \$1,915,050 from the Rate Stabilization Fund to balance the Off-Street Parking Fund. Daytime vacancy rates remain in the double digits for parking garages in downtown Berkeley. This suggests that parking is currently over-supplied in the downtown area at current prices.

Increasing the supply of parking risks increasing Vehicle Miles Traveled (VMT), undermining both the City and District’s stated goals on promoting emissions reductions to mitigate climate change. According to research by UCLA parking scholar Donald Shoup, motorists searching for underpriced or free parking can increase the average

¹ BUSD Board of Directors Meeting. September 7, 2022.

VMT of a local trip by as much as 0.5 miles per trip, or 5 additional miles per day per curb space.²

The BUSD Sustainability Plan, approved in 2019, states: “Single family car trips shall be reduced to less than 20% by 2025, with 80% of students who live within a 2-mile radius getting to school via Active Transportation (walking and bicycling).”³ The BUSD Climate Literacy Resolution No. 22-018, passed in 2021, states that “transportation is the number one source of climate emissions in the City of Berkeley.” Because the proposed parking garage site on Milvia Street would be at the intersection of two protected bike lanes—the completed Milvia Bikeway and planned lanes on Bancroft—while adjacent intersections at Durant and Shattuck are identified as high-risk intersections in Berkeley’s Vision Zero Action Plan.⁴ The intersection of Bancroft and Shattuck was the site of a recent tragic fatality earlier this year.⁵ Concentrating parking at this site could increase the risk of collisions for vulnerable road users, particularly cyclists and pedestrians, at a time when it is the stated policy of the City and District to encourage these modes of transportation.

In addition to the Build Alternative, the Environmental Impact Report could include a Trip Reduction Alternative, as outlined in a comment letter by the advocacy group Walk Bike Berkeley.⁶

Consistent with existing City and District policies aiming to reduce Vehicle Miles Traveled, a Trip Reduction Alternative may include three basic elements:

- Transportation Demand Management (TDM)
- Leasing of existing garage space
- Workforce housing

All of these policies can be used in tandem to mitigate transportation challenges for BUSD staff by shortening commutes with transit-oriented housing; filling up vacant parking spaces in adjacent garages; and providing commute allowances, pre-tax transit benefits, and other sustainable transportation incentives as part of a TDM program.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

In its 2018 Progress Report, the California Air Resources Board stated: “Even if the share of new car sales that are [electric] grows nearly 10-fold from today, California

² Shoup, D. C. (2006). Cruising for parking. *Transport policy*, 13(6), 479-486.

³ <https://www.berkeleyschools.net/wp-content/uploads/2019/10/BUSD-Sustainability-Plan.pdf>

⁴ <https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Vision-Zero-Action-Plan.pdf>

⁵ Raguso, E. (2022, Oct. 20). Man struck by dump truck driver dies after Berkeley crash. *The Berkeley Scanner*. Retrieved from <https://www.berkeleyscanner.com/2022/10/20/traffic-safety/truck-driver-strikes-person-wheelchair-berkeley/>

⁶ https://drive.google.com/file/d/18wp_g5Y6K-g2jnfSnvZqGFn_NO-i-Rfn/view

would still need to reduce [Vehicle Miles Traveled] per capita [by] 25 percent to achieve the necessary [emissions] reductions for 2030.”⁷

Because of its proximity to jobs and public transit, climate scholars at UC Berkeley have identified infill housing as Berkeley’s most impactful local policy lever for reducing greenhouse gas emissions.⁸ Workforce housing could thus reduce emissions while also reducing demand for parking at BUSD facilities.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

1: Resolution

⁷ California Air Resources Board. (2018). 2018 Progress Report: California’s Sustainable Communities and Climate Protection Act. CARB. Retrieved from https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf

⁸ Wheeler, S. M., Jones, C. M., & Kammen, D. M. (2018). Carbon footprint planning: quantifying local and state mitigation opportunities for 700 California cities. *Urban Planning*, 3(2), 35-51.

RESOLUTION NO. ##,###-N.S.

RESOLUTION SUPPORTING TRIP REDUCTION ALTERNATIVE FOR BERKELEY
HIGH SCHOOL PARKING GARAGE AND TENNIS COURT PROJECT

WHEREAS, transportation accounts for the majority of greenhouse gas emissions in the City of Berkeley; and

WHEREAS, the Berkeley Unified School District's Sustainability Plan calls for reducing the share of school commutes by single-occupancy motor vehicles to less than 20% by 2025; and

WHEREAS, the intersections of Bancroft, Durant, and Shattuck are identified as high-risk intersections for traffic collisions in the City of Berkeley's Vision Zero Action Plan; and

WHEREAS, the Center Street Garage still has substantial weekday vacancies, and has necessitated over \$3.8 million in City expenditures to cover debt servicing and operational costs, suggesting a glut of parking supply in the downtown area; and

WHEREAS, the City of Berkeley is committed to eliminating traffic fatalities and greenhouse gas emissions by enabling car-free and car-light commuting, reducing Vehicle Miles Traveled, promoting safe streets and walkable, transit-accessible urban design; and

WHEREAS, the City of Berkeley greatly values the essential public service of Berkeley Unified School District educators, staff, and administrators in educating the future leaders of Berkeley; and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley supports the study of a Trip Reduction Alternative within the scope of the Environmental Impact Review for the Berkeley High School Parking Garage and Tennis Courts Project, including the study of a Transportation Demand Management (TDM) program, garage leasing, and workforce housing development;

BE IT FURTHER RESOLVED that the City of Berkeley welcomes a continued partnership with the Berkeley Unified School District in promoting environmental justice and providing the best possible working conditions for BUSD staff.

CONSENT CALENDAR

December 13, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author)

Subject: University Avenue Bus Rapid Transit

RECOMMENDATION

- (1) Refer to the City Manager and the Department of Public Works the initiation of a University Avenue Multimodal Corridor Project that centers the creation of a Bus Rapid Transit (BRT) corridor along University Avenue with dedicated lanes and elevated platforms.
- (2) Refer \$300,000 to the budget process to engage a consultant for the study, community feedback process, and design of the project.
- (3) Refer \$30,000 to the budget process for the construction of elevated bus stop platforms for the purposes of bringing elevated platforms to University Avenue on a pilot basis.

FISCAL IMPACTS

Staff costs. An estimated \$300,000 for the costs of engaging a consultant for the Multimodal Corridor Project. An estimated \$30,000 for two elevated platforms, or “bus bulbs”, at an estimated cost of \$15,000 per platform.¹

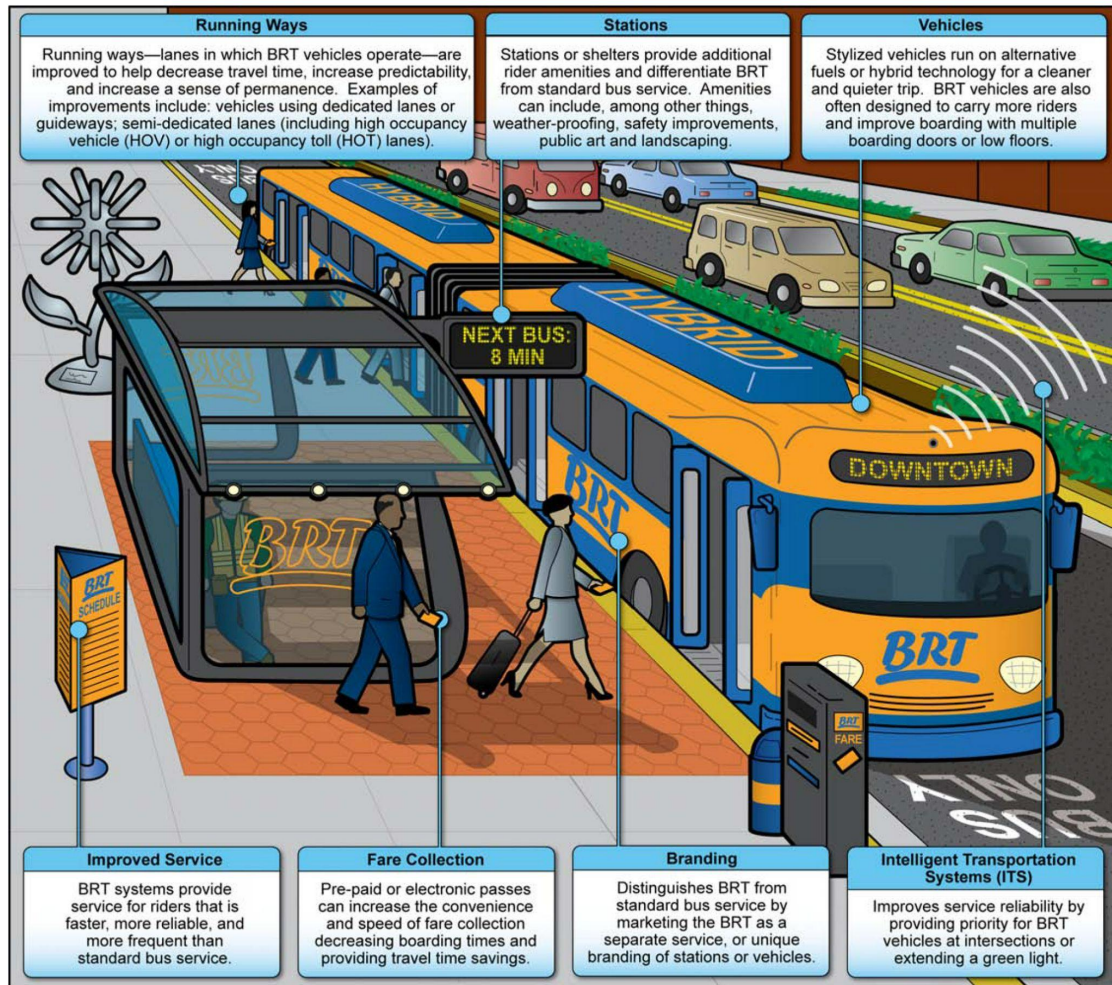
CURRENT SITUATION AND ITS EFFECTSUniversity Avenue

Berkeley’s University Avenue runs West to East from the Berkeley Marina and I-80 Freeway to its termination at the Crescent Lawn of the UC Berkeley campus. University Ave is dubbed the “Gateway to Berkeley” due to the location of the city’s lone Amtrak Station at University & Fourth Street, the avenue’s proximity to both the North Berkeley and Downtown Berkeley BART stations, the regularly congested I-80 exit onto the avenue, and the service of AC Transit’s 51B, 52, 88, 802, and FS lines. The central location of University Avenue and the variety of communities it connects makes this corridor an incredibly important focus for the City’s housing and transportation planning for the coming decades. With University Avenue likely seeing a growth in new housing development under the forthcoming Housing Element, it is important for Berkeley’s transportation infrastructure to keep up with the changing needs of its old and new

¹<https://berkeleyca.gov/sites/default/files/documents/2020%20Pedestrian%20Plan%20Appendix%20E%20%28adopted%29.pdf>

residents. On top of the expected growth in Berkeley's population and thus its transportation needs, climate change and the urgency of pedestrian and cyclist safety require that the transportation system of the City's future be one that prioritizes public transit and bicycle travel over the use personal automobiles. With this in mind, the 2017 Bicycle Plan recommends a Complete Streets Corridor Study for University Avenue.²

Figure 1: Characteristics of Bus Rapid Transit



Source: GAO analysis of bus rapid transit research.

3

Bus Rapid Transit

While diverse in their application around the world, Bus Rapid Transit is typically a transportation corridor that prioritizes fast and efficient bus service that may include dedicated bus lanes, traffic signal priority, elevated platforms, and off-board fare collection.⁴ There is no one-size-fits-all approach to BRT and a University Avenue BRT is sure to look different than it might on Telegraph Avenue or International Boulevard in

² https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Bicycle-Plan-2017_AppendixH_Complete%20Streets%20Corridors.pdf

³ <https://www.gao.gov/blog/2016/04/13/rapid-buses-for-rapid-transit>

⁴ <https://www.transit.dot.gov/research-innovation/bus-rapid-transit>

Oakland, but pursuit of a quicker and more efficient bus corridor along University should result in dedicated bus lane and elevated platforms at existing AC Transit stops. Relative to other rapid transit improvements such as light rail, BRT's advantages include lower upfront capital requirements, a higher degree of flexibility in their application, and a much quicker implementation timeline.⁵

ENVIRONMENTAL IMPACTS

The City estimates that transportation-related emissions accounts for approximately 60% of our community's total annual greenhouse gas emissions.⁶ By encouraging alternatives to car transportation by making public transportation options quicker and more appealing, policy stands to lower the emissions from our community's dominant source of carbon emissions.

The goal of any new public transportation initiative must be to increase the local modeshare of residents choosing public transportation over personal automobiles. BRT offers many advantages for this pursuit. The U.S. Government Accountability Office reviewed implemented BRT projects in 2012 and found that "13 of the 15 project sponsors...reported increases in ridership after 1 year of service and reduced average travel times of 10 to 35 percent over previous bus services."⁷ Paired with the multimodal project along Telegraph Avenue, Berkeley has the potential for a large increase in transit ridership and thus a decline in greenhouse gas emissions if the City follows through on BRT in the coming years.

CONTACT

Terry Taplin, Councilmember, District 2, (510) 981-7120

ATTACHMENTS

1. AC Transit Multimodal Corridor Guidelines

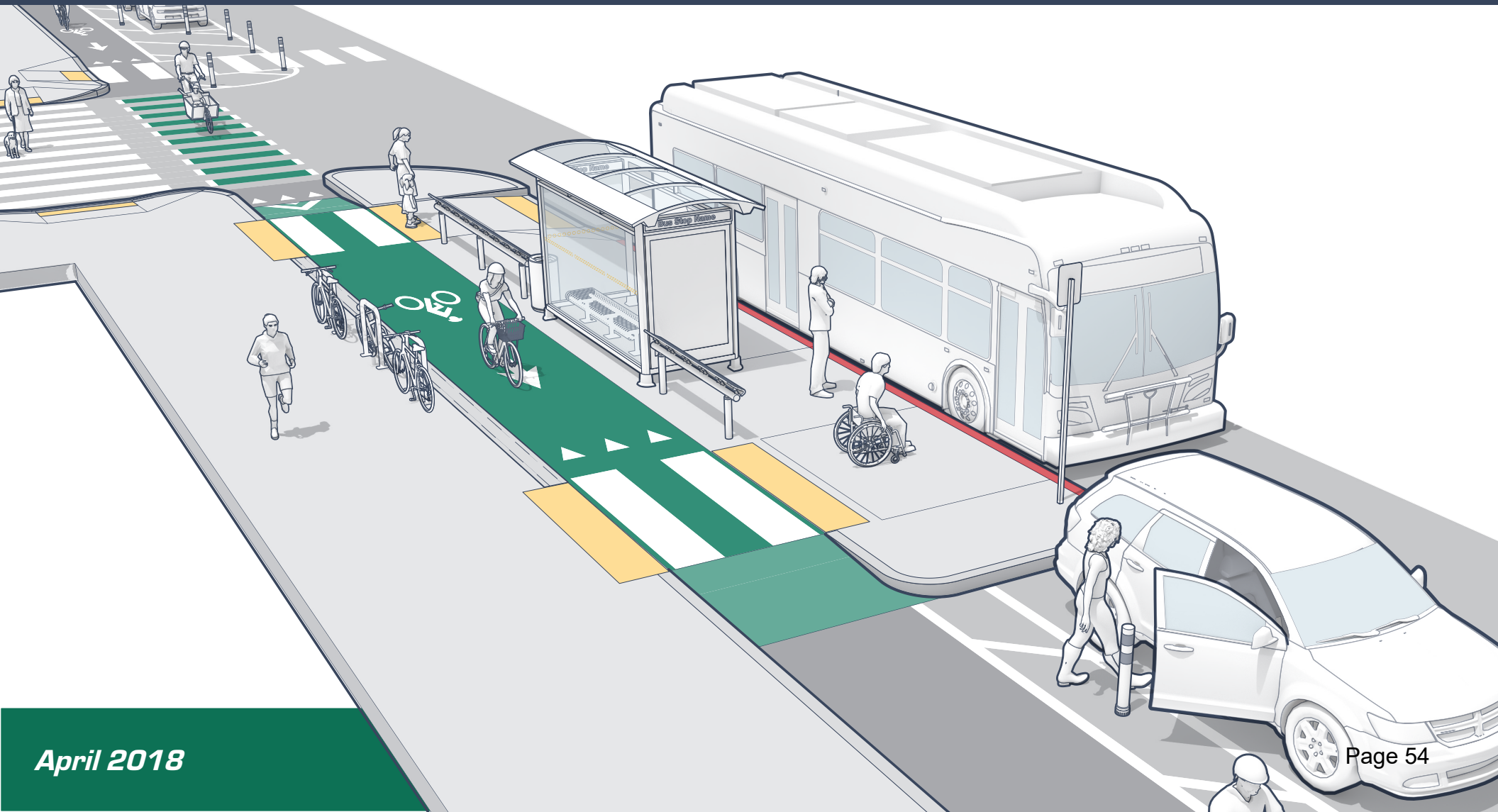
⁵ <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1023&context=jpt>

⁶ https://www.cityofberkeley.info/Clerk/City_Council/2018/12_Dec/Documents/2018-12-06_WS_Item_01_Climate_Action_Plan_Update_pdf.aspx

⁷ <https://www.gao.gov/products/gao-12-811>



Multimodal Corridor Guidelines



Acknowledgments

Alameda-Contra Costa Transit District

John Urgo

Stephen Newhouse



Toole Design Group

Jesse Boudart, P.E.

Pete Robie

John Dempsey, PLA

Ashley Haire, Ph.D, P.E.



Stantec

Michael Ohnemus, AICP



Additional Experts

Sean Co

Table of Contents

1.0 Guide Overview	1	E. Bus Stop Dimensions.....	14
1.1 Goals of the Guide.....	2	F. Door Locations and ADA Access.....	16
A. Purpose.....	2	G. Bus Stop Pads.....	18
B. Project Background.....	3	H. Curbs.....	18
1.2 Guide Outline.....	4	I. Service Type and Service Level.....	18
2.0 General Design Elements	6	3.0 Typology Design Considerations	20
2.1 Existing Guidelines.....	7	3.1 General Guidance for Context Zones.....	21
2.2 Bus Stop Design.....	9	3.2 Design Elements.....	22
A. Bus Stop Spacing.....	9	4.0 Typology Design Considerations	26
B. Bus Stop Siting.....	10	4.1 Typology 1.....	27
C. Spatial Location of Bus Stop.....	12	A. Typology 1: Section View.....	27
D. Bus Stop Design.....	13	B. Typology 1: Plan View.....	29

Table of Contents

C. Typology 1: Perspective View.....	30	B. Typology 4: Plan View.....	41
4.2 Typology 2.....	31	C. Typology 4: Perspective View.....	42
A. Stop Placement and Bike Facility Alignment.....	31	4.5 Typology 5.....	44
B. Typology 2: Section View.....	31	A. Typology 5: Section View.....	44
C. Typology 2: Plan View.....	34	B. Typology 5: Plan View.....	46
D. Typology 2: Perspective View.....	35	C. Typology 5: Perspective View.....	47
4.3 Typology 3.....	36	5.0 Typology Selection.....	48
A. Typology 3: Section View.....	36	5.1 Typology Selection Guidance.....	49
B. Typology 3: Plan View.....	38	6.0 Maintenance Considerations.....	51
C. Typology 3: Perspective View.....	39	7.0 Reference Endnotes.....	53
4.4 Typology 4.....	40		
A. Typology 4: Section View.....	40		

1.0 Guide Overview



Introduction

The AC Transit Multimodal Corridor Guidelines was developed to provide clear design standards for a range of typical roadway conditions to help ensure efficient transit operations, accommodate the needs of bicyclists, and facilitate safe access to and from bus stops for AC Transit passengers. This document offers guidance on design elements of bus stops adjacent to bicycle infrastructure. It is organized around five different typologies that vary based on the type of bicycle facility being considered and its location with respect to the curb, parking lane, and moving traffic. Ultimately, this guide will help create a more predictable, safe, and uniform experience for bus patrons, drivers, bicyclists, and pedestrians as they travel through the jurisdictions that comprise the Alameda-Contra Costa Transit District.

1.1 Goals of the Guide

A. Purpose

This guide has been developed to support the planning and design of bicycle facilities that will complement AC Transit's bus operations. AC Transit has set a goal to improve travel times and reliability on routes throughout its service area, especially on high-ridership corridors. The agency also seeks to promote safe pedestrian environments around its bus stops. This guide will help to establish a basis for collaboration on multimodal corridor projects with local jurisdiction staff and other stakeholders within the AC Transit service area. The guide draws from local, state, and national best practices guidance for multimodal corridor facilities while allowing for design flexibility to provide context-sensitive solutions.

The guide will address the following:

- **Americans with Disabilities Act (ADA) requirements for bus stop access, bus boarding, and sidewalk clearance outlined in the Designing with Transit handbook**
- **Spacing needs at bus stops for buses entering/exiting and clearance from crosswalks outlined in the Designing with Transit handbook**
- **Complementary designs for transit and bicycle facilities to ensure projects are integrated from the outset**
- **AC Transit's preference for in-lane bus stops and far-side bus stops in most scenarios**
- **Corridor typologies that reflect the various types of places present in the AC Transit service area**
- **Best practices for transit operations and accommodations for transit customers and bicyclists in existing designs and for innovative facilities such as separated bike lanes**
- **Methods to reduce conflicts among bicyclists, buses, and pedestrians to ensure safety while maintaining efficient operations**



Copenhagen, Denmark

- **Guidance for designing bicycle facilities to increase bicyclist comfort and encourage more people of all ages and abilities to ride bicycles**

The guide serves as AC Transit's official resource for planning and designing bus stops when accommodating bicycle facilities in transit corridors. The guide is intended to provide additional design guidance that supports existing planning and policy guidance published by the District. Therefore, this document should be used in conjunction with the Designing with Transit handbook and other approved policies or guidelines.

AC Transit hopes that this guide will serve as both an internal and external resource for local jurisdiction staff and developers when planning multimodal facilities and Complete Streets projects in the AC Transit service area. Complete Streets are generally defined as roadways built to enable safe travel for pedestrians, bicyclists, transit riders, and motorists. AC Transit will prioritize project support for projects that incorporate these design elements. These guidelines are a mechanism for AC Transit to clarify its roadway and curbside needs to stakeholders with the goal of streamlining the process of designing streets that support all modes.

B. Project Background

Multimodal corridors are major transportation facilities which accommodate auto, bus, bicycle and pedestrian travel. These corridors provide for travel across town and connect with the regional transportation system. Many cities and agencies in AC Transit's service area are expanding the reach of their multimodal corridors by designing and building innovative bicycle facilities along roadways. Many of these new bicycle facilities are built as Complete Streets projects which seek to enhance alternative modes of transportation, including bicycling, transit, and walking.

For cyclists, these new facilities can reduce the stress of riding a bicycle by providing physical separation from moving vehicles. However, there is an opportunity for Complete Streets designs to better address traditional bus transit operations. In the highly-constrained rights-of-way in Alameda and Contra Costa Counties, facilities such as separated bikeways, parking-protected bike lanes, or conventional bike lanes require reallocation of roadway space. This reallocation can be achieved by relocating or eliminating on-street parking and/or narrowing, realigning, or eliminating traffic lanes. In some cases, these changes have shifted the



Berkeley, CA

travel lanes used by buses further from the curbside where bus stops are commonly located, creating challenging and time-consuming maneuvers for bus operators to pull in and out of traffic. Furthermore, the roadway configuration can induce buses to move in and out of bicyclists' path of travel, which affects both bicyclist safety and bus operations (often referred to as a "leap-frogging" effect). With rates of bicycling increasing and jurisdictions rapidly constructing bicycle infrastructure, minimizing conflicts between bicycle and bus operations is critical to the success of these bikeway facilities. Efficiently managing and reallocating roadway space for these specific users will benefit all people using the streets.

Among many considerations, a multimodal corridor should include bicycle facilities that do not impinge on overall bus travel speeds, on-time performance, or safety. Bus stop designs can separate bicyclists from buses by routing bicyclists behind bus stops to avoid bus-bicyclist conflicts. Also, restricting motor vehicle turning movements, a component of some bicycle facility designs, can reduce delay to buses by minimizing motor vehicle conflicts and queues. Bicycle facility projects may also restrict on-street parking in select locations or along entire blocks, which could reduce the likelihood of cars encroaching into bus stops.

AC Transit recognizes that healthy communities require safe pedestrian and bicycle facilities and effective bus services, often in the same corridors. The Bay Area needs regionally-focused guidance that reflects current best practices in reducing conflicts at bus stops and along corridors, promoting pedestrian and bicyclist safety in coordination with bus operations, maintaining or improving transit operations, providing travel time predictability, and recognizing the local context where bicyclists and buses share roadway space. AC Transit's Multimodal Corridor Guidelines addresses this gap in guidance in multimodal corridor design by offering templates for bicycle facilities that are compatible with high-quality bus transit service.

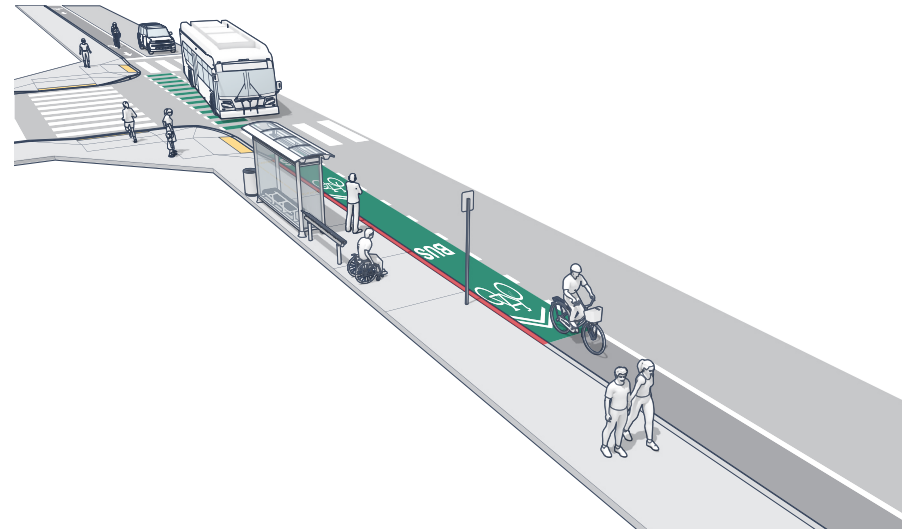
1.2 Guide Outline

The Multimodal Corridor Guidelines document is not a regulatory document. While much of the design guidance presented here represents best practices as published and endorsed by State and national agencies, the practices do not necessarily represent the adopted standards of these agencies. Therefore, users of these Guidelines should also consult regulatory standards such as the Caltrans *Highway Design Manual*¹ (for State facilities), the California *Manual on Uniform Traffic Control Devices*² (for State and local facilities), and any adopted local street design standards, to identify where design exceptions may apply.

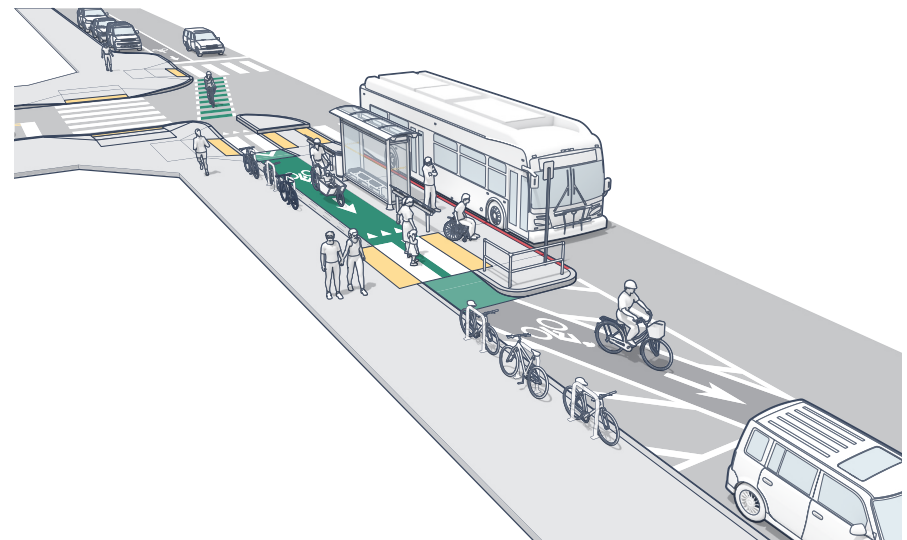
The guide begins with a discussion of general bus stop design elements related to stop spacing, location, design, and dimensions. A list of existing guidelines that may be referenced in conjunction with the Multimodal Corridor Guidelines is also presented.

Next, the guide presents five different bus stop typologies. These typologies vary based on the type of existing or proposed bicycle facility being located at the bus stop with respect to the curb, parking lane, and moving traffic. These bus stop typologies represent common contexts in the AC Transit service area. The five bus stop typologies are:

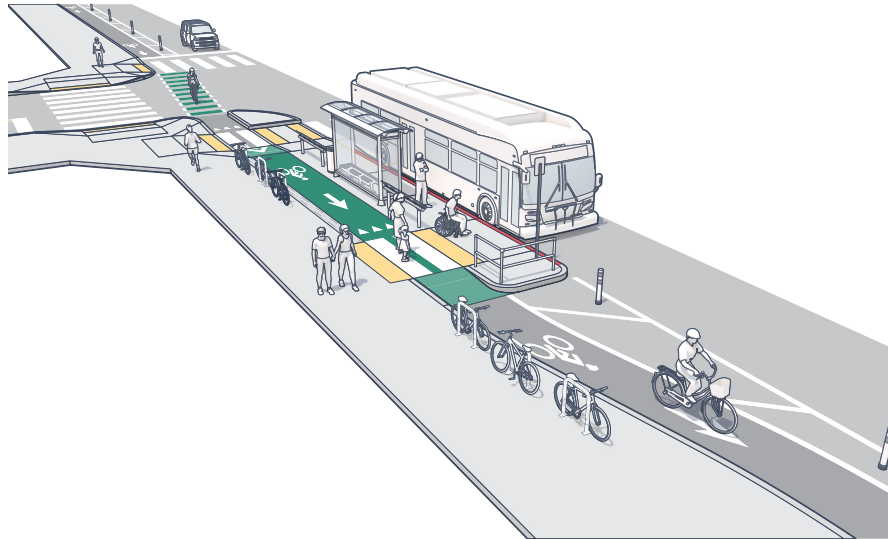
Typology 1 Class II Bicycle Facility between the Curb and a General Traffic Lane



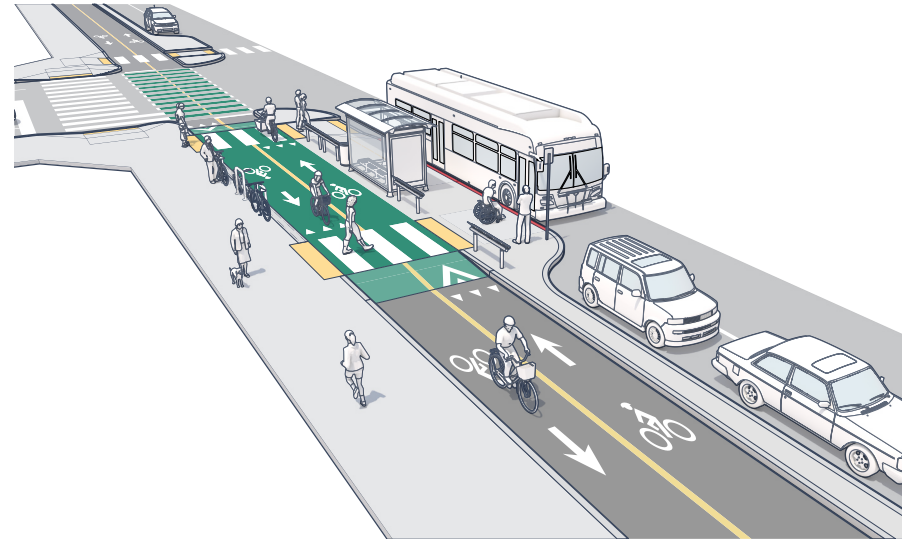
Typology 2 Class II Bicycle Facility between Curbside Parking Lane and General Traffic Lane



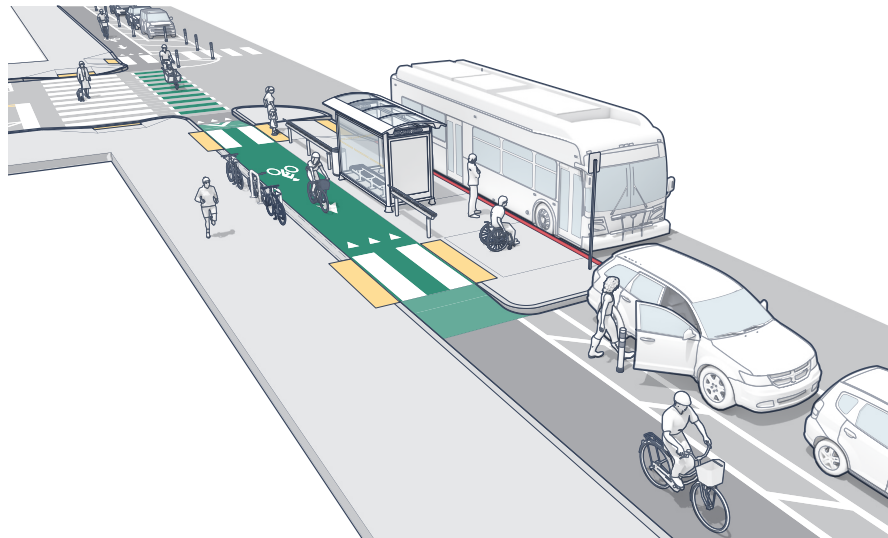
Typology 3
Class IV Bicycle Facility (Separated Bikeway) between the Curb and a General Traffic Lane



Typology 5
Class IV Bicycle Facility (Two-way Separated Bikeway) between the Curb and a Parking Lane



Typology 4
Class IV Bicycle Facility (Separated Bikeway) between the Curb and a Parking Lane



The guide concludes with a discussion on selecting the appropriate bus stop typology. Five guiding principles are presented to help jurisdictions understand the factors that should influence bus stop design and the relationships between these factors.

2.0 General Design Elements



Plainville, CT

The Guide supplements existing engineering practices and requirements to meet the goals of Complete Streets policies in the jurisdictions served by AC Transit. Design guidelines, standards, and other policies on Complete Streets, transit stops, and bikeways, have been published by local and national entities. In implementing the Guidelines, local agencies should consider any supporting documentation required to address existing local and State design standards. Ultimately, local agencies must evaluate, approve, and document design decisions.

Existing conditions in urban environments can be complex; design treatments must be tailored to the conditions present in individual contexts. Good engineering judgment based on comprehensive knowledge of multimodal transportation design, with special consideration to bicyclists, should be part of any multimodal design. Decisions should be thoroughly documented.

The following section (2.1) provides a summary of existing design guidelines that can be referenced when making planning and design decisions about local streets and roads. These resources provide a much wider breadth of information on designing Complete Streets, which fall outside the localized scope of this guidebook. Section 2.2 summarizes key elements of bus stop design, as they relate to the five bus stop typologies presented in this Guide.

2.1 Existing Guidelines

The following design guidelines, prepared by national and local bodies, are a selection of resources which closely relate to the Guide. These resources may be referenced in conjunction with the Guide when making planning and design decisions related to Complete Streets, bikeways, and transit.

AC Transit *Bus Stop Policy*

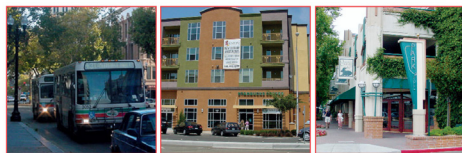
The AC Transit *Bus Stop Policy*³ outlines the District's standards for bus stop spacing, bus stop location, bus stop enforcement, and bus stop installation or removal. Some of these policies are reiterated in the Guide.

AC Transit *Designing with Transit*

The *Designing with Transit*⁴ handbook supports planning that is centered on transit access. The handbook is also intended to encourage multimodal transportation planning: planning and engineering which supports transit, walking, and bicycling, not just automobiles. The handbook is particularly focused on the often-overlooked needs and potential of bus transit, the most widely-used mode of transit. It outlines AC Transit's analysis of how the East Bay can be rebuilt in a more transit-friendly manner and aims to provide practical guidance about how these can be achieved through land use planning, development of pedestrian facilities, and traffic engineering.

DESIGNING WITH TRANSIT

Making Transit Integral to East Bay Communities



Alameda CTC *Central County Complete Streets Design Guidelines*

The Alameda *Central County Complete Streets Design Guidelines*⁵ document helps ensure that Central Alameda County street designs consider the full range of users on every street and accommodate all users wherever possible. While the goal of these design guidelines is to help staff from the three Central Alameda County jurisdictions (San Leandro, Hayward, and Alameda County) clearly understand how to implement Complete Streets for each street type, for different modal priorities, and for varying contexts, the design guidance provided can be applied by jurisdictions throughout Alameda and Contra Costa counties. The *Central County Complete Streets Design Guidelines* build on the street typology developed as part of the Alameda County Transportation Commission (Alameda CTC) Multimodal Arterial Plan (MAP).



Caltrans *Highway Design Manual*

Caltrans encourages local agencies to develop designs that help ensure the needs of non-motorized users in all products and project development activities, including programming, planning, construction, maintenance, and operations.

Design guidance for bikeway projects is provided in Chapters 100, 200, 300, and 1000 of the Caltrans *Highway Design Manual*. Alternatives to bikeway design guidance must meet the criteria outlined in Section 891 of the California Streets and Highways Code.

Projects within State right-of-way must refer to Caltrans standards and guidance, including but not limited to:

- **Caltrans *Highway Design Manual***
- **Design Information Bulletin, Separated Bikeways**
- **Design Information Bulletin, Caltrans ADA standards**

AASHTO *Guide for Development of Bicycle Facilities*

The AASHTO *Guide for the Development of Bicycle Facilities*⁶ is the primary national reference for the planning and design of on-street bikeways and shared use paths. This guide represents AASHTO policy on bikeway planning and design, and addresses network planning principles, dimensions and treatments for bikeway design, and transitions between on-street bikeways and shared use paths. State DOTs and local jurisdictions often refer to this document when planning and designing bicycle facilities.

NACTO *Urban Street Design Guide*

A blueprint for designing 21st century streets, the NACTO *Urban Street Design Guide*⁷ provides a toolbox and tactics for cities to use to make streets safer, more livable, and more economically vibrant. The guide outlines both a clear vision for Complete Streets and a basic road map for how to bring them to fruition. The guide focuses on the design of city streets and public spaces, emphasizing city street design as a unique practice with its own set of design goals, parameters, and tools.

NACTO *Transit Street Design Guide*

The NACTO *Transit Street Design Guide*⁸ provides design guidance for the development of transit facilities on city streets, and for the design and engineering of city streets to prioritize transit, improve transit service quality, and support other goals related to transit. The guide sets a new vision for how cities can harness the immense potential of transit to create active and efficient streets in neighborhoods and downtowns alike.



NACTO *Urban Bikeway Design Guide*

The purpose of the NACTO *Urban Bikeway Design Guide*⁹ is to provide cities with state-of-the-practice solutions that can help create Complete Streets that are safe and comfortable for bicyclists. The *Urban Bikeway Design Guide* addresses treatments not directly referenced in the AASHTO *Guide for the Development of Bicycle Facilities*, although they are virtually all (with two exceptions) permitted under the *Manual on Uniform Traffic Control Devices (MUTCD)*¹⁰. The Federal Highway Administration has posted information regarding MUTCD approval status of all the bicycle-related treatments in this guide.

2.2 Bus Stop Design

It is AC Transit’s policy to encourage counties, cities, and developers to coordinate with AC Transit when locating bus stops on roadways. However, AC Transit does not own or maintain the bus stop areas, and the local jurisdiction can make the ultimate decision to site the bus stop.

When properly located, adequately designed, and effectively enforced, bus stops can improve service without disrupting general traffic flow. Decisions regarding bus stop spacing and location call for a careful analysis of passenger service requirements (demand, convenience, and safety), the type of bus service provided (local, rapid, Transbay/express, or flexible service/community circulator), and the interaction of stopped buses with general traffic flow. The following sections summarize general bus stop design elements.

A. Bus Stop Spacing

Bus stops are designated locations for bus passengers to board and alight. Therefore, bus stops must be conveniently located to enable easy passenger access. Convenience and speed must be balanced in determining appropriate bus stop placement, as too many bus stops can slow down travel times. Outside of downtown areas, the ideal spacing of bus stops is 1,000 feet apart. This target has been established with the goal of increasing travel speed for AC Transit buses, and means that some existing stops may be eliminated. Passenger usage of bus stops is an important factor when considering bus stop placement or removal.

Bus stops should be close enough that passengers can walk to them easily, but far enough apart to help buses move quickly. Table 1 provides general guidelines for bus stop spacing. Some discretion may be applied when balancing AC Transit’s interest in improving service and preserving traffic flow with consideration of passenger needs.

Service Type	Spacing (feet)	Explanation
Local (trunk, feeder, etc.)	800-1,300 feet	Stops may be located more closely than listed based on trip attractors, stop activity or demand, transfer points or other land uses that may warrant it.
Rapid	1,700-5,000 feet	Stops may be located more closely than listed based on trip attractors, stop activity or demand, transfer points or other land uses that may warrant it provided that the increased stops do not cause operational delays
Transbay/Express	1,000-2,600 feet	Service may use local stops as necessary to provide geographic coverage and to minimize delay for longer-distance passengers.
Flexible or Community Circulator	TBD	Stops would be determined on a route by route basis and would consider trip attractors, transfer areas or other factors.

Table 1: AC Transit Bus Stop Spacing Guidelines (AC Transit Policy No. 508)

Table 1 lists AC Transit’s intended bus stop spacing for the four different Service Types. It is AC Transit’s preference to use the maximum bus stop spacing unless superseded by other determining factors such as topography (hills), limited access areas (freeways, bridges, airports), surrounding attractors, and transfer points. As a result, existing AC Transit routes may have stops that do not conform to the spacing criteria in this policy.

B. Bus Stop Siting

The optimal stop location should improve or minimize impact to bus travel times, maximize reliability and route efficiency, and be safe and accessible, while maintaining or enhancing bus passenger access to destinations and amenities. The siting of a bus stop not only impacts transit passengers, but also motorists, pedestrians, and bicyclists near the stop.

Multiple factors are used to determine the appropriate siting of a bus stop including:

Demographics and Land Use

Ridership – Assess both existing and projected boardings and alightings, as well as the ridership profile (for example, a large proportion of seniors or students) at the stop. Low-ridership stops, particularly those near higher-ridership stops, may be considered for consolidation or removal. The threshold for a low-ridership stop will be determined by comparing its ridership to that at other stops along the route, or by comparing with a similar bus route, while also considering the frequency of service provided at the stop.

Existing and Future Land Uses – Note sensitive land uses, including medical facilities, municipal buildings, senior housing, and major transit trip generators such as shopping malls, schools, and dense commercial or residential complexes. Stop locations may be adjusted or added to provide better access to passenger origins and destinations, although this determination will also be dependent on pedestrian connections and conditions.



Seattle, WA

Existing Service and Passenger Amenities

Bus Route Connections – Consideration should be given to maintaining and/or improving bus stops serving parallel or intersecting bus routes. Under certain circumstances, the relocation of an existing bus stop may be necessary, and doing so may increase the access distance for passengers transferring between intersecting routes. Priority should be given to relocating the stop in close proximity of its former location, thereby minimizing the additional distance a transferring passenger would have to walk between stops.

Passenger Amenities – Evaluate opportunities to add amenities to new or existing stops and maintain or upgrade amenities at existing stops. Many bus stop amenities are justified by high ridership and a desire to improve passenger comfort. Implementation of amenities such as lighting or real-time arrival displays may require a nearby power source or solar panels.

Pedestrian Environment

Connections and Condition – Sidewalks immediately at the stop and those providing access to the stop and surrounding area are an important consideration. When choosing a site to establish or relocate a stop, choose the widest, most level sidewalk near the desired location. Stops should also be located to maximize ridership. A designer will need to balance the demands of pedestrian connections and bus ridership.

Crossings – Where bus stops are located near pedestrian crossings, the crossing should be marked and preferably located behind the stop, so that passengers are encouraged to cross behind the bus. Ideally, crossings should be signalized, especially in high-traffic and high-speed environments. Intersections and at-grade driveway crossings should have ADA-compliant curb ramps.

Safety and Bus Stop Visibility

Lighting – Lighting should be provided at stops for the safety and security of bus patrons. Bus stop lighting simultaneously offers bus operators better visibility of waiting passengers. Lighting can be cast by pedestrian-scale light fixtures, lighted shelters, overhead street lights, or brightly-lit signs.

Sight Distance – Consider sight distance for transit passengers, bus operators, and other motorists. Avoid obstructions to sightlines between bus operators and passengers such as trees, signs, buildings, shelters, and topography.

For optimal sight distance between bus operators and other motorists, bus stops should not be located over the crest of a hill, immediately in or after a roadway curve to the right, or at locations that might reduce visibility between buses and other vehicles.

Speed Limit (MPH)	Sight Distance (feet)
15	200
20	265
25	335
30	400
35	465
40	530
45	600
50	665

Table 2: Sight Distance for Siting Bus Stops

Adapted from AASHTO 2016 and AASHTO 2011.

Note: Assume a 9-second time gap is required for buses to re-enter traffic without undue interference to traffic flow.

Approaching vehicles need to have adequate visibility of stopped buses and buses entering or exiting a stop, particularly when stops are located in the travel lane. Similarly, bus drivers need to be able to see vehicles approaching from behind when exiting a stop. Table 2 provides the recommended sight distance for bus stops, given the posted speed limit. At a minimum, bus stops should be sited to meet the minimum stopping sight distance provided by AASHTO.

It is not recommended to place stops where there is inadequate sight distance, and existing stops with poor visibility should be considered for relocation or removal. In addition, stopped buses can impact sight distance for vehicles exiting side streets. Depending on the location of the stop relative to an intersection, different vehicular turn movements can be affected.

C. Spatial Location of Bus Stop

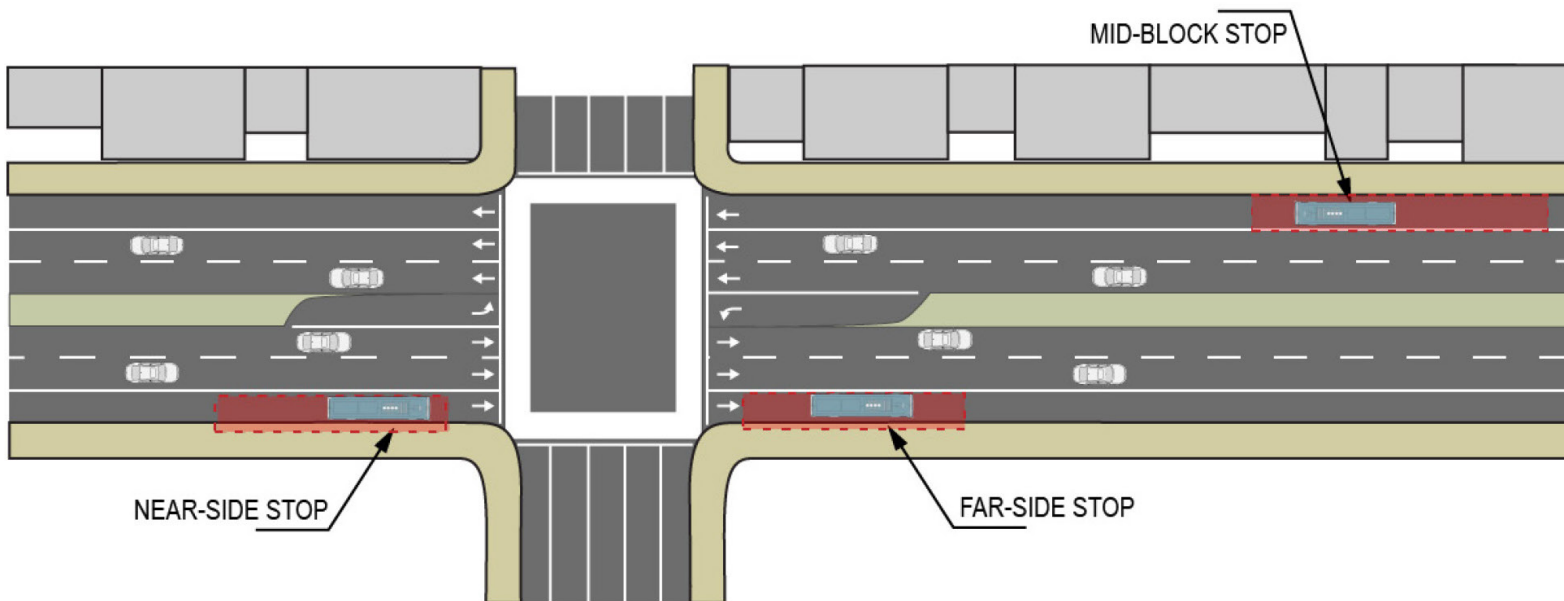
The specific location of a bus stop within the right-of-way is important for bus operations. A good bus stop location is one that is operationally safe and efficient for buses and is safe and convenient for passengers. The stop should be located where it causes minimal interference with pedestrian movements and other traffic, including bicycle traffic.

On-street bus stops are usually located along the street curb for direct safe passenger access to and from the sidewalk and waiting areas. Stops may be located on the far side of an intersection, the near side of the intersection, or at a point mid-block.

Far-side stops are stops located after an intersection in the direction of travel. They are generally preferred because they reduce conflicts between right-turning vehicles and stopped buses, eliminate sight-distance deficiencies on approaches to an intersection, and encourage

pedestrian crossing at the rear of the bus. Additionally, since Rapid and BRT routes use transit signal priority to expedite travel across an intersection, far-side stops are integral to Rapid and BRT route implementation. Also, far-side stops allow passengers to cross the street from multiple directions to access the bus boarding area, due to its location on the corner of the intersection.

Near-side stops are stops located before an intersection in the direction of travel. They are acceptable when a far-side stop is deemed unsafe or impractical. They may also be used when a stop serves multiple routes that go in different directions after the downstream intersection. Like far-side stops, the stop's location allows passengers multiple crossing locations to access the bus boarding area, due to the location on the intersection corner.



*Rhode Island bus Stop Design Guide. Providence: Rhode Island Public Transit Authority, 2017.*¹¹

Mid-block stops are stops that are not located in the general vicinity of an intersection. They are typically considered in special cases and are to be used only when no alternative is available. AC Transit and the jurisdiction where the bus stop will be located must approve any mid-block bus stops. This stop location generally has poor access due to the lack of formal street crossings near the stop, sometimes inducing passengers to reach the bus boarding area by crossing at undesignated locations.

In the typologies presented in Section 3, the diagrams feature far-side stops, as this is the stop location preferred by AC Transit. These typologies can be adapted to near-side or mid-block stops, if necessary.

D. Bus Stop Design

Floating bus stops are bus stops where the boarding platform is separated from the sidewalk by a bike lane. The bike lane is brought behind the bus stop to eliminate any potential conflict points between buses pulling into the stop and cyclists in the bike lane.

The appropriate width of a floating bus stop depends on many factors, including the width of travel lanes, width of bike lanes, and need for sidewalk space. A minimum width of eight feet is required for floating bus stops to ensure ADA-compliant access. However, where space permits, particularly for stops with large passenger volumes, a wider floating bus stop based on preferred dimensions may be designed.

The floating bus stop functions similarly to a bus bulb in that it allows the bus to stop in the travel lane. This design saves travel time for the bus by eliminating the need for the bus driver to merge in and out of traffic. The floating bus stop also provides a waiting area for passengers, and can relieve sidewalk congestion. This design may also save linear space compared to a traditional pull out bus stop, because when buses stop in the travel lane, pull-in or pull-out taper space is no longer required for buses to exit or enter the travel lane.



Vancouver, Canada

It is often a concern that buses stopping in traffic to serve a bus stop will slow traffic, but Federal Highway Administration studies show that stopping in the lane may actually increase traffic speeds on roadways with two travel lanes per direction (Kay Fitzpatrick, Kevin M. Hall, Stephen Farnsworth, and Melisa D. Finley: TCRP Report 65: Evaluation of Bus Bulbs (Washington, D.C.: Transportation Research Board, 2001), 2.).¹² Stopping in the travel lane reduces the phenomenon of bus drivers stopping with the bus protruding into traffic, thereby regularizing traffic flow. Typically, floating bus stops should not be installed on high-speed roads where the average travel speed is 35 miles per hour or greater, as stopping in the travel lane in such conditions may be unsafe.

On roadways with a single travel lane in one or both directions, local conditions, including vehicle volume and bus stop activity, should inform the use of floating bus stops. Floating bus stops may still cause the bus to partially block the travel lane when the bus boards and alights passengers. Therefore, motorists will need to wait for the bus to finish loading before they can progress. At a far-side stop, this wait time could cause cars to queue into the intersection and potentially block the intersection when the signal phase changes. Motorists may also try to divert around a stopped bus by entering the opposite-direction travel lane, which could be a safety concern.

AC Transit prefers that bus pullouts (turnouts) are avoided. Bus pullouts are generally detrimental to bus operations under most circumstances found in the AC Transit district and should be avoided. At a pullout, the roadway is widened just at the bus stop to channel the bus into a special curb lane. The bus then stops and serves the stop outside the travel lanes. Pullouts are generally not desirable for bus operations because they require the bus exit the traffic stream. Leaving the travel lanes can slow bus operations, particularly when the bus seeks to reenter traffic. Pullouts are generally designed for the convenience of other vehicles, not buses. Further, on Complete Street roadways with bicycle lanes, a bus pullout creates conflict with cyclists by requiring buses to fully cross the bike lane to pull in and out of the bus stop, as illustrated in the photo below.

Special cases where pullouts may be appropriate are unusually narrow roadways, such as those consisting of one very narrow travel lane (without a parking lane) in each direction. High-speed roadways without parking lanes may also be appropriate for pullouts. Further, there might be cases where bus pullouts could be useful for schedule adherence or layovers. However, these situations should be analyzed on a case by case basis. Finally, Transit Cooperative Research Program (TCRP) report 65 suggests pullouts for roads where traffic speeds are 40 mph and above.



Portland, OR

E. Bus Stop Dimensions

The required length of a bus stop is made up of the following components. Depending on the configuration of the bus stop (i.e. in lane vs. pull-out stop, near-side stop vs. far-side stop), not all elements will be present. Therefore, the total space required for a bus stop will be informed by the design and placement of the stop.

Bus Stop – total distance/area required for a bus to safely and efficiently pull into a stop, stop and load/unload passengers, and pull away from the stop and return to the travel lane. (Pull-in Taper + Platform + Pull-out Taper)

Platform – the area where the bus comes to a complete stop against the curb and from/to which passengers board and alight.

Pull-in Taper – the distance/area required for a bus to decelerate and exit the travel lane to reach the bus platform.

Pull-out Taper – the distance/area required for a bus to leave the bus platform, accelerate, and reenter the traffic stream.

Clearance from Crosswalk – the distance/area required from the front or rear of the bus and the adjacent crosswalk to ensure pedestrians and drivers have adequate sightlines.

Bus Stop Length

In addition to the selection of an appropriate location, there are other important requirements for bus stops. The required length of a bus stop is determined by the type of stop, stop location, stop amenities, roadway speed limit, and the number and type of buses expected to use the stop. There must be enough curbside space to enable bus operators to pull the bus parallel to the curb, open the doors onto the sidewalk, and pull away from the stop into the travel lane. Providing bus stops with sufficient length also prevents buses from straddling crosswalks, which can block access for pedestrians.

Required bus stop lengths vary depending on several factors:

- **Location of the stop relative to the intersection (far-side, near-side, or mid-block)**
- **Stop configuration**
- **Approach of bus turning movement**
- **Roadway speed, and thereby deceleration and acceleration space**
- **Presence of crosswalks, on-street parking, and driveways**
- **Location of landscaping and street furniture along the sidewalk edge**
- **Number of buses serving and/or laying over at the stop**

Because bus stop length will vary depending on the type and design of a specific bus stop, each typology presented in Chapter 4 includes a table detailing the dimensions required for that bus stop design. General design principles are described in the next subsections.

For buses that stop in the travel lane, the only consideration for the overall bus stop length is the platform itself, since no separate entering and exiting distance is required. The platform length is primarily determined by the size of the bus used on the route and the number of buses servicing the stop at peak hours.

At stops where the bus must pull out of the travel lane, the length required for a bus stop consists of three elements – the pull-in taper, platform/boarding length, and the pull-out taper. The stop must be long enough so that buses can not only stop there, but also get into and out of the stop easily. Adequate-length bus stops make it more likely that the bus driver will pull completely into the stop, rather than leave the back of the bus protruding into the travel lane. Because stopping flush with the curb is key for passengers with mobility impairments, providing a sufficiently long stop is an ADA issue.

Pull-In/Pull-Out Taper

Pull-in/pull-out taper applies only to curbside stops where the buses pull out of the travel lane. The length required for pull-in or pull-out taper is determined from the posted speed limit or prevailing speed, whichever is greater. If prevailing speed data cannot be collected, the posted speed limit should be used.

The stop location also affects the pull-in or pull-out taper distance required. Far-side stops do not require any additional pull-in taper because the bus can use the intersection to decelerate and pull into the stop. Conversely, for near-side stops, no pull-out taper is required because the intersection provides space to accelerate and merge back into the travel lane.

Platform Length

The length required for the platform is primarily a function of the type of bus the stop is designed to serve and the number of buses the stop must serve simultaneously. At a minimum, all AC Transit stops should

be designed to serve a 40-ft bus. On routes where articulated buses are used, stops should be designed to serve 60-ft buses. The length of a platform should increase if it is determined that the stop must accommodate multiple buses simultaneously. The Transportation Research Board provides guidance for determining when stops should be designed to accommodate multiple buses, based on the number of buses per hour, average dwell time, and adjacent intersection signal cycle times.

Stop Amenities

Stop amenities include bus shelters, benches/seating, wayfinding, fare vending machines, bike parking, trees/landscaping, trash cans, lighting, and other amenities that are located within the bus platform area. Stop amenities can help attract customers and increase passenger comfort, improve operational efficiencies, and foster local civic pride and economic development.

The presence of stop amenities, particularly bus shelters or other large amenities, may impact the required platform length. Bus shelters and other large stop amenities restrict the space available for passenger circulation and movement and may require that the platform length be increased. The ADA requires bus stop boarding and alighting areas at the front door landing area, and an accessible route between the landing area, sidewalk, and bus shelters. A clear zone at the first rear door is also required by AC Transit.

Crosswalk Clearance

For all far-side and near-side stops, clearance from the crosswalk is required for pedestrian safety. NACTO's guidelines recommend a minimum of 10 feet of clearance between the rear of the bus and the crosswalk at a far-side stop. With a near-side stop, a minimum of 10 feet of clearance between the front of the bus and the crosswalk is recommended.

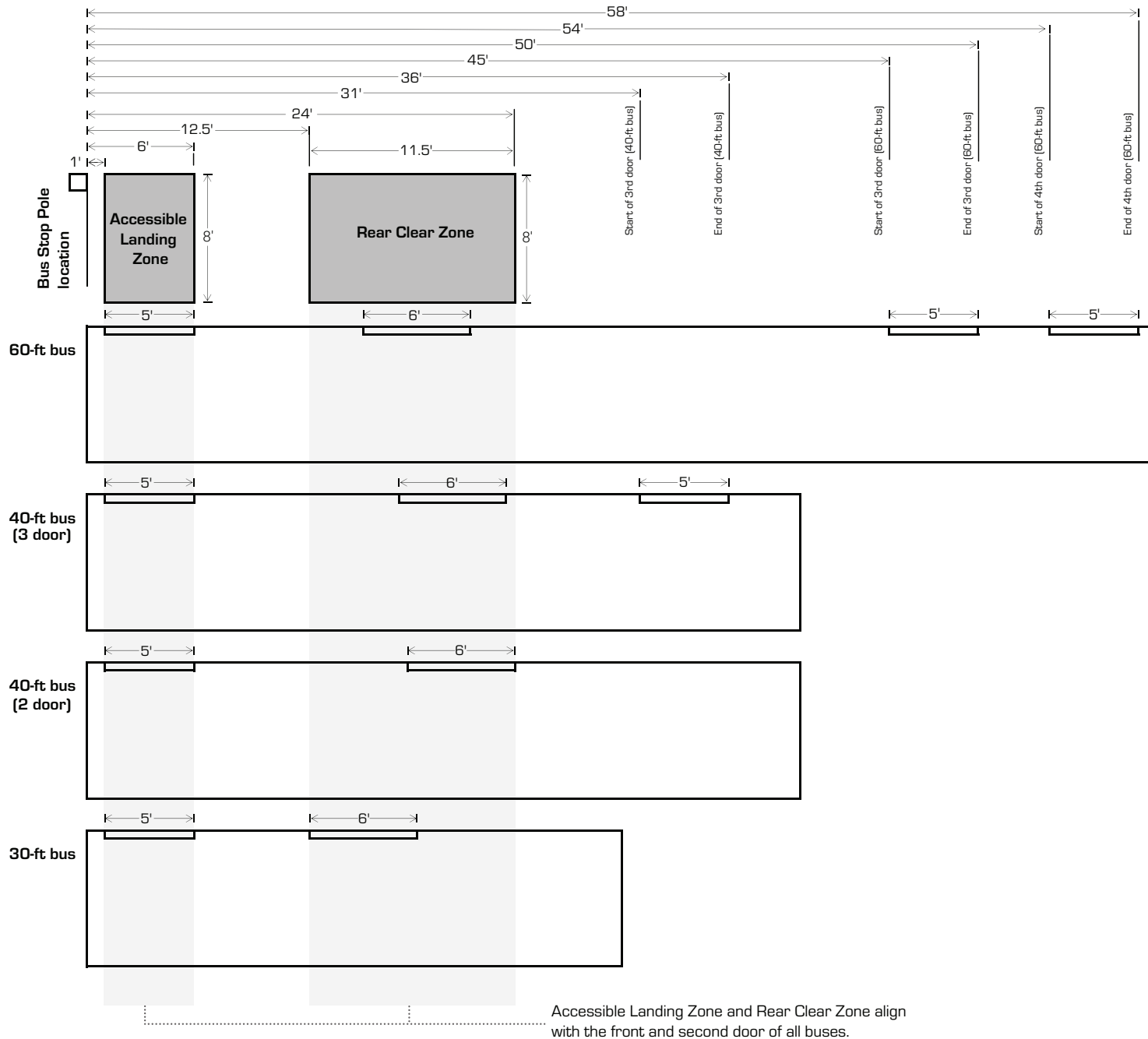
F. Door Locations and ADA Access

AC Transit utilizes a variety of fleet types, including 30-ft, 40-ft, and 60-ft buses, which have two, three, or four doors, depending on the vehicle model. Landing areas and clear zones should be laid out to accommodate the bus fleet in operation. Landing areas and clear zones should be free of driveways, curb ramps, and obstructions such as utility poles, hydrants, and other street furniture. AC Transit's design guidelines recommend designing all stops with two door landing areas to accommodate the first two doors of all vehicles, regardless of vehicle length or model.

For the first door landing area, ADA guidelines require that a minimum width of 5 feet along the curb, and a minimum depth of 8 feet perpendicular to the curb, be provided at the landing area, to the extent feasible and within the control of the transit agency. The location of the landing area is primarily dependent on the siting of the stop relative to the intersection, and secondarily, on the availability of sidewalk space to accommodate an ADA-compliant landing area. The first door landing area should begin one foot behind the bus stop pole.

To accommodate rear door passenger activity, bus stops should also have a second door landing area. On AC Transit vehicles manufactured by Van Hool, the second door serves as the ADA-accessible ramp entrance. Therefore, providing a second landing zone is important to ensure that the stop is ADA-compliant. The second door landing area should be 11.5 feet wide along the curb, with a minimum depth of 8 feet perpendicular to the curb. The second door landing area should begin 12.5 feet behind the bus stop pole.

The critical path of travel for passengers at a bus stop is the connection between the landing area and the sidewalk and bus shelters. The ADA requires that there be an accessible route between these points. Sidewalks and bus shelters shall be connected to the landing area by an accessible route. This requirement means that a clear, unobstructed, ADA-compliant path of travel must be provided. AC Transit prefers a 4-foot wide path, although the ADA requires a minimum 3-foot wide path, which can be used in extenuating circumstances.



Accessible Landing Zone and Rear Clear Zone align with the front and second door of all buses.

Exhibit 1: AC Transit Landing Area Dimensions of Common Bus Types

G. Bus Stop Pads

Bus pads are highly durable areas of the roadway surface at bus stops, usually constructed of concrete, that address the common issue of asphalt distortion at bus stops.

Conventional asphalt pavement is flexible, and can be moved by the force and heat generated by braking buses and trucks, leading to wave-shaped mounds along the length of a bus stop. This issue is pronounced at high-volume stops where dwelling buses further heat the roadway surface, as well as near-side stops in mixed-traffic lanes where trucks can add to wear.

Bus pads should be at least 8.5 feet wide to accommodate both wheels of a bus, but should be wider at locations without precision loading to provide consistent service when the bus does not pull fully to the curb. Bus pad length should be determined based on the length of the platform area.

At stops where the bus crosses a bike lane, the concrete bus pad should end at either the curbside edge of the bike lane or the outside edge of the bike lane (including its full width) to prevent the creation of a longitudinal joint within the bike lane. Bus pads should end before the crosswalk to prevent lateral or longitudinal pavement joints within the crosswalk. If a bus pad must be extended into the crosswalk, it should extend across the full width of the crosswalk to prevent joints between concrete and asphalt.

H. Curbs

The curb alongside the bus stop should be painted red to prevent cars from parking within the bus stop space or within the pull-in or pull-out zone that is required at traditional bus stops where buses must pull out of the travel lane. If cars are parked at a bus stop or within the pull-in or pull-out zone, then the bus will not be able to stop flush along the

boarding platform which is inconvenient and dangerous for passengers, and can prevent bus ramps from being deployed, resulting in ADA accessibility issues. Curb height and design should be informed by local conditions or design standards.

I. Service Type and Level of Service

Finally, the service type and level of service provided on a route and/or corridor should be considered when determining the design of bus stops and prioritizing capital improvements. AC Transit has identified eight primary service types operated by the District. These are outlined in AC Transit Board Policy No. 550.¹³

Trunk Routes and Major Corridors – These are the services operating on corridors where residential densities are at least 20,000 residents per square mile (or comparable commercial densities). Routes in these corridors provide the backbone of the transit system; operate along the arterial streets and provide a high level of local and limited stop service. These routes have the highest priority for capital improvements.

Rapid - Provides limited stop service along a Trunk Route or Major Corridor featuring wide stop spacing, headway based schedules, transit signal priority and passenger amenities. Underlying local service contributes to aggregate service frequency.

Urban Secondary, Crosstowns and Feeder Routes – These are the routes operating in medium density corridors (10,000 – 20,000 residents per square mile or comparable commercial densities). These routes complement the trunk route network, providing a high level of local stop service. These corridors also are candidates for capital improvements to assist in bus operations.

Suburban Crosstowns and Feeder Routes – These are the routes operating in low density corridors (5,000 – 10,000 residents per square mile). These routes feed BART, park and ride lots, or other AC

Transit routes, or serve neighborhood circulation functions with a high level of service.

Low Density Routes – These are primarily routes operating in areas of very low density (fewer than 5,000 residents per square mile).

Community Flex Services – These are primarily routes operating in areas of very low density, again, fewer than 5,000 residents per square mile, that provide a more flexible operation than traditional fixed route service.

All-Nighter (Owl) Routes – These are the routes providing service between 12 midnight and 6 am. All-Nighter routes operate as a lifeline service during the “owl gap” period.

Transbay Routes – These are the routes providing service to downtown San Francisco via the Bay Bridge Corridor.

These service types form a hierarchy of service both in terms of service investment (annual service hours) and ridership. Therefore, AC Transit’s policy directs staff to prioritize capital investments for service types with the highest levels of service and highest ridership. Additionally, because the service type classifications closely correspond with service frequency and ridership, they can be used to inform the bus stop design, dimensions, and amenities.

Table 3 outlines AC Transit’s service types, span of service standards, and weekday peak frequency standards.

Service Type	Span of Service Standard	Weekday Peak Frequency Standard
Trunk and Major Corridors	19-24 hours daily	15-20 minutes
Rapid	14-16 hours daily	10-14 minutes
Urban Crosstown/ Feeder	14-16 hours daily	15-20 minutes
Suburban Crosstown / Feeder	14-16 hours daily	21-30 minutes
Very Low Density	14-16 hours daily	31-60 minutes
All-Nighter (Owl)	Owl gap period	31-60 minutes
Transbay	17-18 hours daily	21-30 minutes

Table 3: Span of Service and Weekday Peak Frequency Standards

Adapted from AC Transit Board Policy No. 550

3.0 Typology Design Considerations



Properly-placed design elements are critical to a positive overall experience for transit users. When reviewing individual bus stops and their context, designers must consider a wide range of issues that are unique to each location. In many transit corridors, the adjacent streetscape design elements may also contribute to the bus stop design. Due to constrained right-of-way, it is not feasible or practical to include all design elements at each bus stop location. The placement and use of design elements at bus stops should maximize safety, visibility, and comfort for all users. Designers are encouraged to consult with AC Transit or local guidance for additional design considerations.

3.1 General Guidance for Context Zones

For the purposes of this guide, establishing context zones simplifies the process of defining the roadway cross section along a corridor. Zones establish a foundation for designers to appropriately locate design elements tailored to the different uses expected of a roadway user. Exhibit 2 illustrates each zone with subsequent text describing the relationship between the zones and the design elements that commonly contribute to multimodal bus stop design.

Pedestrian Zone - This zone is generally reserved for pedestrian mobility for users of all ages and abilities to access pedestrian oriented destinations.

Furnishing Zone - This zone is generally reserved for seating, bicycle racks, street lights, parking pay stations, stormwater infrastructure, street trees, transit shelters, trash receptacles, in addition various

utilities that support a multimodal environment. This zone can also be flexible and may vary between blocks and along a corridor.

Bus Stop Bypass Zone - This zone is generally reserved to route the bikeway around the rear of the bus stop between the furnishing zone and floating bus stop furnishing zone.

Bus Stop Furnishing Zone - This zone is generally reserved to function similar to the furnishing zone and may consist of seating, lean bar or railing, transit shelter, or vertical railings as space provides. The available width and length of the floating bus stop will determine the amount, type, and function of design elements placed in the floating bus stop furnishing zone.

Floating Bus Stop - This zone is generally reserved for users waiting in a dedicated space to access transit.

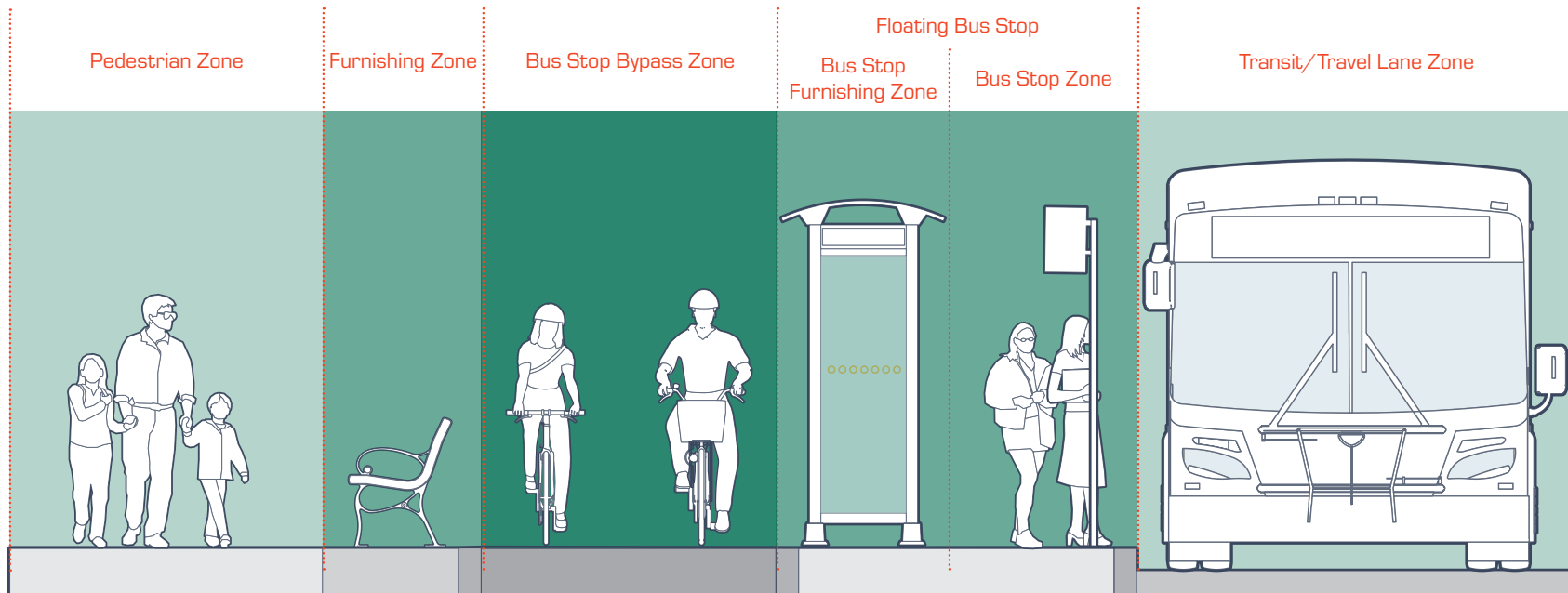


EXHIBIT 2: Context Zones

3.2 Design Elements

All bus stops should consider utilizing appropriate design elements to provide a safe, accessible, and high-quality transit experience. This section defines typical bus stop design elements either as standard, recommended, or optional. Standard design elements are typical of bus stops, bicycle facilities, pedestrian facilities, etc. Including recommended design elements should result in a high quality bus stop for all users. Design elements have been noted as optional to be sensitive to design preferences of jurisdictions.

Accessible Landing Pad (Furnishing/pedestrian zone or bus stop furnishing zone) – Standard

ADA guidelines require a minimum of 5 feet along the curb and a minimum depth of 8 feet perpendicular to the curb to be provided at the landing area. It should be a firm, stable surface, with a maximum 2% cross slope. The landing area should match the roadway running slope to the extent practicable and be parallel to the roadway.

Benches (Furnishing/pedestrian zone or bus stop furnishing zone) – Optional

Providing seating at bus stops is a pleasant amenity for transit users waiting for the bus. Benches may be stand-alone or integrated into a shelter. ADA does not provide guidance for outdoor benches, however the Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) suggests that benches providing full back support and armrests better assist pedestrians with mobility impairments to sit and stand.



Vancouver, Canada

Bicycle Facility Elevation (Bus stop bypass zone) – Standard

Bicycle facilities may be provided at the same elevation with the sidewalk, at street level, or at an intermediate height with a 2- to 3-inch curb reveal between the sidewalk and street level. The appropriate elevation of the bicycle facility will often be based on known physical constraints or design feasibility. The advantages or disadvantages of these designs are discussed thoroughly in separated bike lane guidance. A designer should consult these references prior to choosing the appropriate bikeway elevation treatment.

Bicycle Racks (Furnishing zone or bus stop furnishing zone) – Recommended

Installing bicycle parking at bus stops increases a transit passenger's flexibility to park their bicycle and take transit. These decisions may be based on many external factors including distance, weather, convenience, and effort. This amenity improves first- and last-mile connections and can increase the desirability of combined bicycle and transit trips.

Furthermore, if the bus bicycle rack is at capacity, bicycle parking allows bicyclists to lock their bike if they choose. Bicycle racks should be placed outside of the path of travel at the bus stop and positioned so that no matter how a bicycle is locked, a one foot buffer from the bikeway and the edge of the locked bike will be maintained. Refer to the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines for the appropriate type and placement of bike racks.

Essentials of Bike Parking: Selecting and Installing Bike Parking that Works. Association of Pedestrian & Bicycle Professionals. 2015.¹⁴

Bike Ramp (Bus stop bypass zone) – Standard

When the elevation of the bicycle facility changes at a floating bus stop, a smooth ramp transition should be provided to allow comfortable passage for bicyclists through the bus stop influence area.



Cambridge, MA

Bus Shelters (Furnishing zone or bus stop furnishing zone) – Optional

Shelters provide a safe, secure, and comfortable space for users waiting for their bus. Shelters offer protection from inclement weather, and, in some cases, include lighting, heating, and opportunities for additional seating. Transit information, including route numbers, timetables, and, in some cases, maps, may also be provided at shelters.

The design of shelters should be simple, functional, and easy to maintain. The size of shelters will largely depend upon the amount of available space at a bus stop location.

Bus Stop Pole (Furnishing zone or bus stop furnishing zone) – Standard

Bus passengers need information to understand which bus routes will stop at their location. This pole and sign can also include information such as the route direction, schedule, etc.

Channelization (Bus stop bypass zone) – Recommended

Channelizing infrastructure can be designed to manage pedestrian and bicyclist movements between the travel lane, bikeway, and pedestrian facility. Pedestrians and bicyclists can be separately and effectively channelized by locating a vertical object (e.g., planter) to physically deflect and direct users to desired areas. For example, pedestrians could be channelized to designated crossings of the bikeway between sidewalk and floating bus stop. Effectively channelizing bicyclists and pedestrians through a bus stop can improve safety, provide maximum convenience, and enhance functionality.



Crosswalks (Pedestrian zone) – Standard

Crosswalks provide designated routes for pedestrians to cross another facility. Maintaining a pedestrian access route between the sidewalk, floating bus stop, and additional bus stop design elements is required. All crosswalks should be located to maximize visibility for pedestrians and of pedestrians by drivers and bicyclists. Bus stops should connect to a marked pedestrian crossing, preferably a crosswalk behind the stop, so that passengers are encouraged to cross behind the bus. Intersections and at-grade driveway crossings should have ADA-compliant curb ramps.

Detectable Warning Surface (Pedestrian zone) – Standard

The ADA requires that bus stop boarding and alighting areas shall be connected to streets, sidewalks, or pedestrian paths by an accessible route. Detectable warning surfaces provide a tactile and noticeable message that a change of environment will occur between these areas.

Green Colored Pavement (Bus stop bypass zone) – Optional

The consistent use of green colored pavement may be used to delineate the bicycle zone or to emphasize areas of potential conflict. An alternative option is to use contrast to mark the separate zones, such as different colored concrete, or using asphalt for the bikeway and concrete for the floating bus stop and sidewalk.

Green colored pavement may be considered for optional use in marked bicycle facilities and in extensions of bicycle facilities through intersections and other traffic conflict areas. The use of dashed green colored pavement indicates merging areas for the bicycle facility and vehicular traffic. Solid green colored pavement may be used to designate the bike lane zone

Lean Bar or Lean Rails (Pedestrian/Furnishing Zone or bus stop furnishing zone) – Optional

Lean rails may be used in place of traditional benches. These amenities establish a narrow barrier between the bus island and the bus stop bypass to deter transit passengers from crossing the bicycle facility in non-designated spots. They also invite passengers to use these amenities casually as they wait for their bus.

Lighting (Furnishing Zone or bus stop furnishing zone) – Recommended

Bus stop lighting provides safety and security for all users while also increasing visibility of waiting passengers for bus operators. Sufficient illumination can be achieved with pedestrian-scale fixtures, lighted shelters, and street lights. The Illuminating Engineering Society provides guidance on how much illuminance to provide. Refer to Illuminating Engineering Society (IES), Roadway Lighting RP-8-14. 2014.¹⁵

Railings (Bus stop furnishing zone) – Optional

Vertical railings may be useful at channelizations (bus stop bypasses), as they establish a barrier between the bus island and the bicycle facility routing behind it, deterring transit users from crossing the bicycle facility in non-designated locations.

Rear Landing Area (pedestrian/furnishing zone, bus stop furnishing zone) – Standard

The clear zone is the area where the back doors of the bus open onto the sidewalk or floating island. AC Transit requires bus stops to have a clear zone for the first rear door. The clear zone should be free of driveways, curb ramps, and obstructions such as utility poles, hydrants, and other street furniture. Although there is no requirement for the clear zone to be ADA-compliant, it is desirable, and at a minimum should be a level surface area. The clear zone should be 11.5 feet wide by 8 feet deep.

Street Trees and Stormwater Infrastructure (furnishing zone or bus stop zone) – Optional

Properly selected and maintained landscaping helps enhance passenger comfort at a bus stop and may improve the overall aesthetic of transit service. Street trees at bus stops can help provide shade and protection from adverse weather. Placement of street trees or stormwater infrastructure should not disrupt safety, visibility, or service at the bus stop location. Street trees, landscaping, and stormwater infrastructure should be selected based on environmental performance, maintenance, and aesthetic goals of the jurisdiction.

Trash receptacles (furnishing zone) – Optional

Trash and recycling receptacles or solar compactors are desirable at higher-ridership stops, stops in commercial areas and retail centers, and stops with shelters. AC transit recommends locating trash and recycling receptacles on the sidewalk to clarify that maintenance is a City responsibility, which may assist with keeping the overall buildup of debris to a minimum.



Sydney, Australia

4.0 Bus Stop Design Typologies



Designing a safe, comfortable, and functional bus stop for all users with special consideration to bicycle users is a primary purpose of this guide. Local jurisdictions are implementing more separated bike lanes on transit corridors and need design guidance to safely and seamlessly maintain bikeways through the bus stop. Based on common roadway and bikeway configurations, transit operations, and other considerations, five bus stop design typologies have been identified:

- **Typology 1: Class II Bicycle Facility between the Curb and a General Traffic Lane**
- **Typology 2: Class II Bicycle Facility between Curbside Parking Lane and a General Traffic Lane**
- **Typology 3: Class IV Bicycle Facility (Separated Bikeway) between the Curb and a General Traffic Lane**
- **Typology 4: Class IV Bicycle Facility (Separated Bikeway) between the Curb and a Parking Lane**
- **Typology 5: Class IV Bicycle Facility (Two-way Separated Bikeway) between the Curb and a Parking Lane**

Each design typology contains design elements reflecting the context of the roadway environment. Required and optional design elements are specified within the typologies, but the designer should use engineering judgment when selecting and locating design elements for a bus stop design. These bus stop typologies are intended to illustrate how and why design elements are included to provide a safe, comfortable, and functional bus stop.

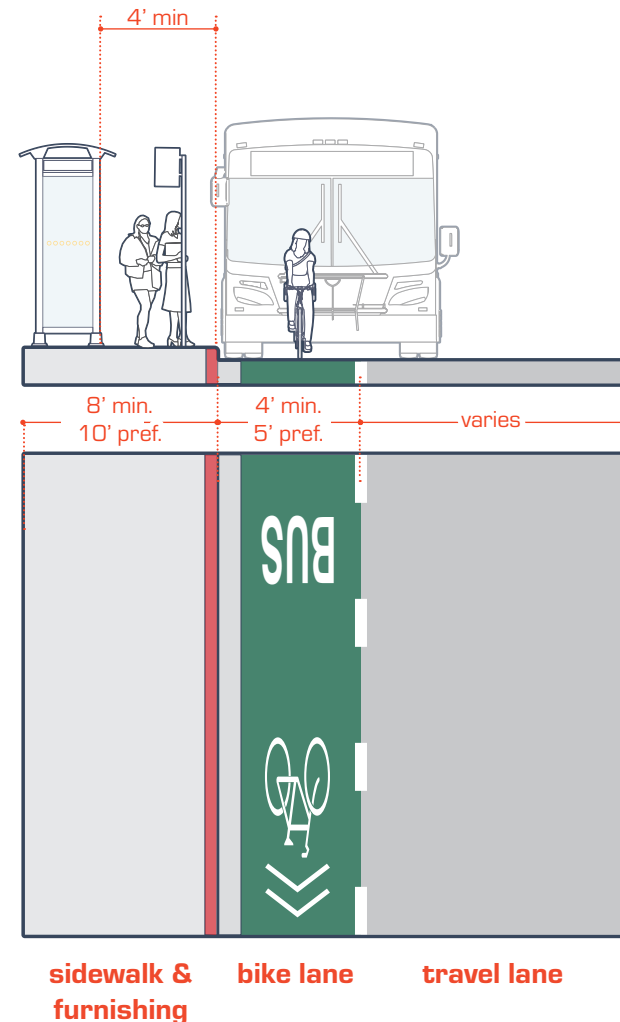
Bus stops should be provided curbside (against a curb) in most instances, as this is the most functional location for a bus stop. In the typologies, the bus stop curb is located either along the sidewalk (Typology 1) or along a floating bus stop (Typologies 2-5).

Four of the five typologies utilize floating bus stops, which are sidewalk-level platforms built between the bicycle lane and the roadway travel lane. When using floating bus stops, bicyclists are directed behind the bus stop, reducing or eliminating most conflicts between buses and bicyclists. By eliminating the need for buses and bicycles to interact, floating bus stops have large safety benefits for bicyclists. They can also benefit pedestrians, as the floating bus stop doubles as a pedestrian refuge, which if designed efficiently, can shorten crossing distances and enable shorter signal cycles.

4.1 Typology 1 Class II Bicycle Facility between Curb and a General Traffic Lane

The first Typology illustrates locations where the bike lane is located adjacent to the curb on a roadway. This typology more likely pertains to transit routes outside of a priority bicycle network. The section view illustrates that the bus will position itself on top of the bike lane to board and alight passengers. This means the bus may block motorists and bicyclists. These roadway users may have to wait or move around a bus during boarding/alighting operations.

A. Typology 1: Section View



If a transit corridor consistently implements Typology 1, normal bus operations may cause a “leap-frogging” effect for bicyclists. Leap-frogging is described as: A) a bus will pass a bicyclist between bus stops, B) the bus boards/alights passengers, C) the bicyclist passes the dwelling bus, and D) then the bus passes the bicyclist between the bus stops again. The leap-frogging process could repeat several times, especially if the average bus speed is similar to a bicyclist’s riding speed. This effect is uncomfortable for bicyclists and increases the likelihood they will exit the bike lane into mixed traffic to pass a dwelling bus, which increases their crash risk with automobiles.¹⁶ Leap-frogging is a known operational issue and is usually mitigated by implementing more separation between the vehicle lane and the bike lane, which may then necessitate the use of the subsequent design typologies described in this document.

Several design elements have been explicitly called out for Typology 1. A bus stop has minimum design constraints so that an accessible landing zone and a rear clear zone are provided. The location of these zones at the bus platform varies depending on the prevailing bus size. Also, this typology includes design elements typically employed at roadways and bus stops such as a furnishing zone, bus stop pole, and detectable warning surfaces on the sidewalk ramps. Lastly, note the optional design elements such as the bus shelter, green pavement markings, and red curb zone. The exact location and scale of these design elements may vary based on the constraints and context of the bus stop.

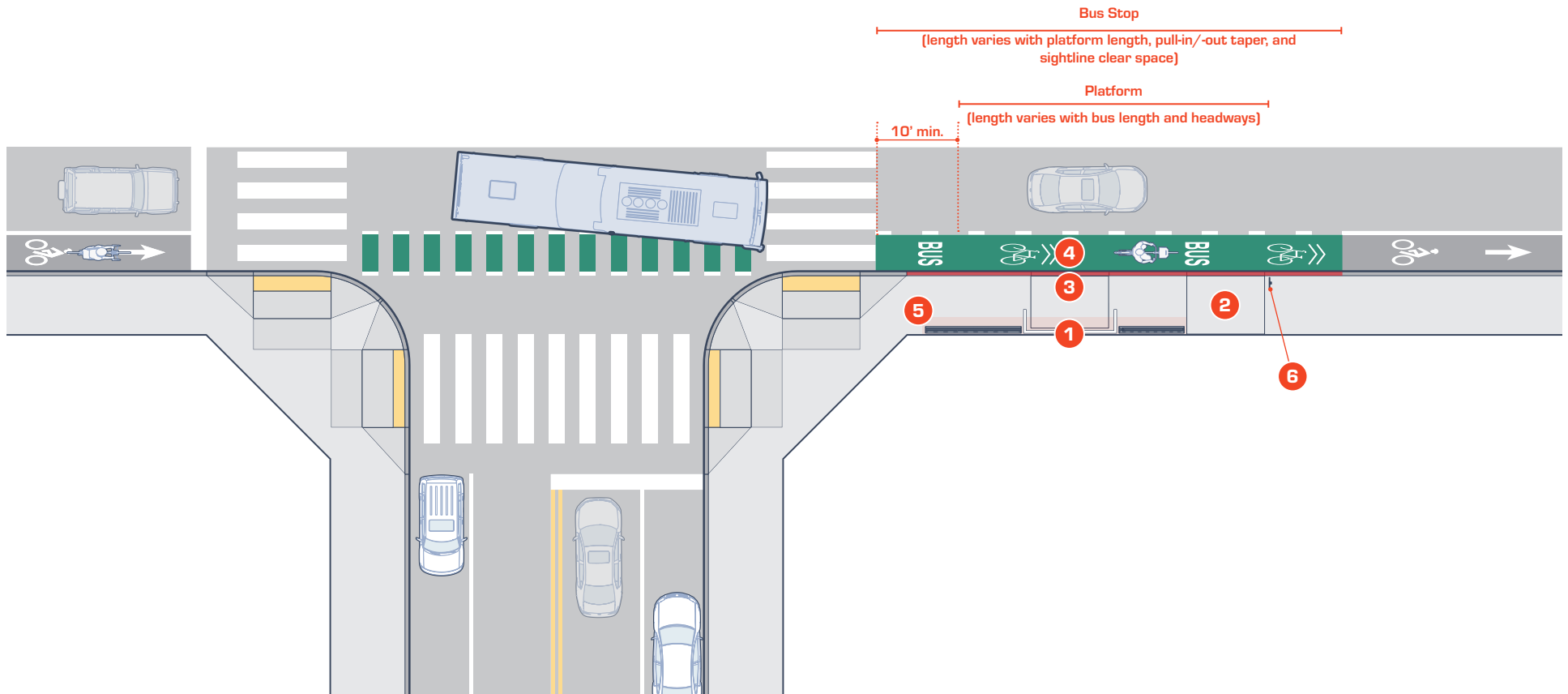
The bus stop and platform length will vary based on many factors including the pull-in/-out taper, sight distance, physical bus dimensions, and headways. Table 4 provides guidance for these dimensions on Typology 1, but the designer should use engineering judgment based on the roadway context and design constraints.

	Arterial Speed Limit		
	< 20 MPH	20-35 MPH	>35 MPH
Platform			
40' Bus	40'	40'	40'
60' Bus	60'	60'	60'
Two 40' Buses	120'	120'	120'
One 40' Bus and One 60' Bus	140'	140'	140'
Two 60' Buses	180'	180'	180'
Pull-in Taper			
Far-side Bus Stop	N/A	N/A	N/A
Near-side Bus Stop	10'	15'	20'
Mid-block Bus Stop	10'	15'	20'
Pull-out Taper			
Far-side Bus Stop	10'	15'	20'
Near-side Bus Stop	N/A	N/A	N/A
Mid-block Bus Stop	10'	15'	20'
Clearance from Crosswalk			
Far-side Bus Stop	10'	10'	10'
Near-side Bus Stop	10'	10'	10'
Mid-block Bus Stop	N/A	N/A	N/A

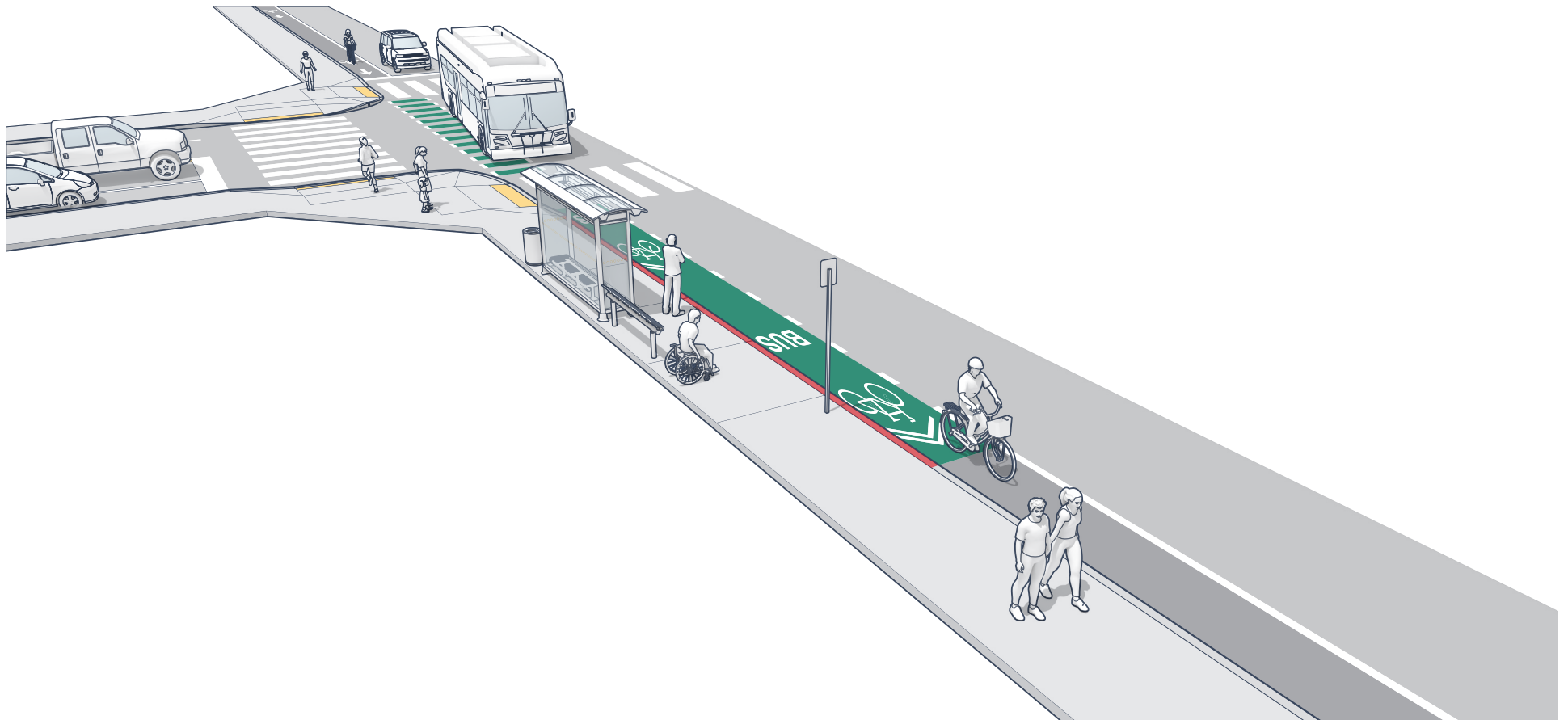
Table 4: Typology 1 Influence Area Minimum Dimensions

B. Typology 1: Plan View

- 1 Bus shelter (optional)
- 2 Accessible landing zone (min. 5' x 8')
- 3 Rear clear zone (11.5' x 8')
- 4 Green pavement (optional)
- 5 Furnishing zone
- 6 Bus stop pole



C. Typology 1: Perspective View



4.2 Typology 2 Class II Bicycle Facility between Curbside Parking Lane and a General Traffic Lane

A. Stop Placement and Bike Facility Alignment

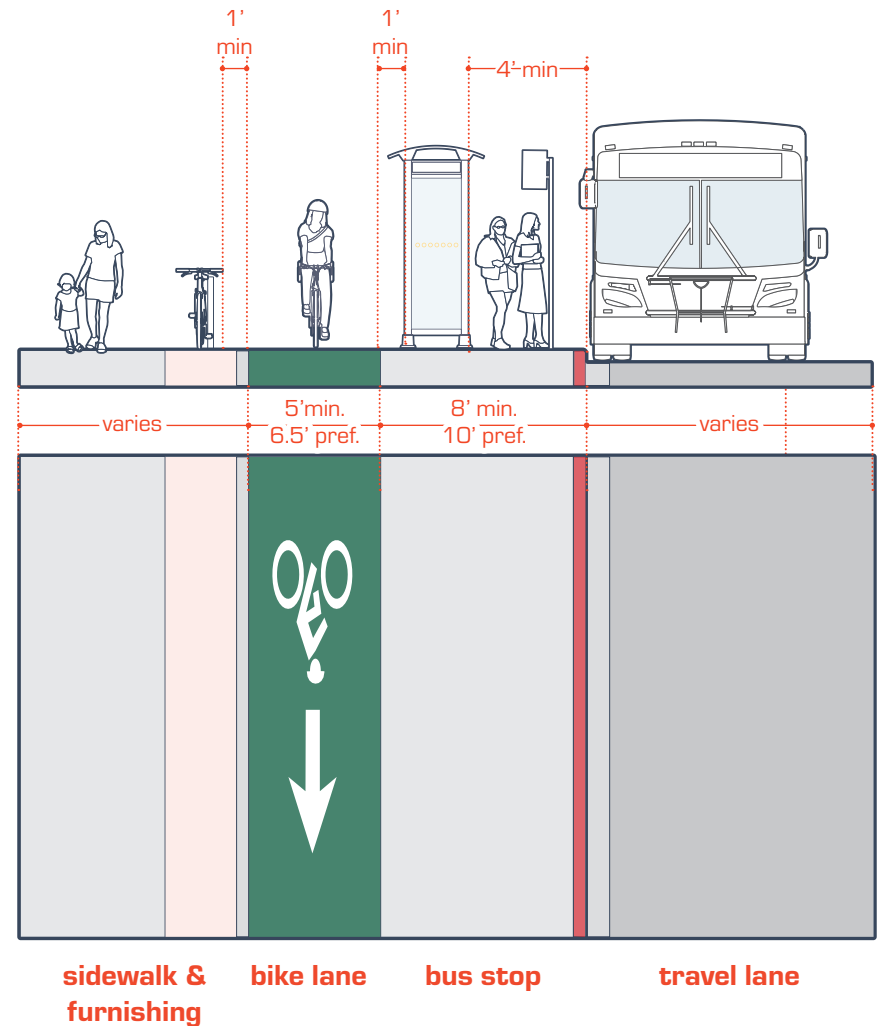
Adding parking to the roadway influences the spatial relationship between the bus boarding/alighting operation and the bike lane. Parking operations may cause conflicts with bus operations, and the door zone of parked vehicles can be a hazard for bicyclists. However, implementing a floating bus stop is an improvement for bicycle and transit operations, because the bus boarding/alighting operations can be performed independently of through bicycle movements.

AC Transit prefers far-side bus stops for a variety of bus-related operational reasons (AC Transit Policy No. 508); however, the designer can consider using near-side or mid-block bus stops. Note that conventional mid-block bus islands are illustrated but are not a preferred design because they create a potential conflict with bicyclists by requiring buses to fully cross the bike lane to pull in and out of the bus stop.

The key design characteristic of Typology 2 is the routing of the bike lane behind the bus stop, which minimizes conflicts between the bicycle movement and the bus boarding/alighting operation. The design elements at the floating bus stop and the furnishing zone should be located at least one foot from the edge of the bike facility. If a bicycle rack is located in the furnishing zone, the edge of a parked bicycle should be at least one foot from the edge of the bike facility, which may necessitate moving the bike rack further toward the building frontage. This shy distance improves bike operations and minimizes safety hazards from handlebar or pedal strikes.

Bus passengers have two designated bike lane crossings from the sidewalk to the floating bus stop, which helps manage pedestrian/bicycle interactions. Importantly, bicyclists are required to yield to pedestrians

B. Typology 2: Section View



at these designated crossings with the use of yield markings and an optional “Bike Yield to Pedestrians” MUTCD R9-6 sign. The furnishing zone and/or detectable edge assists with managing bus passenger crossings at those two locations.

Furnishing elements could include bicycle racks, trash receptacles, etc. Alternatively, detectable longitudinal panels can be embedded along the bike lane to guide visually impaired pedestrians to the designated bike lane crossing, as shown in exhibit 3 and in the photo to the right. These directional indicators are in accordance with International Standard 23599 and their color should contrast with adjoining concrete or asphalt pavement.

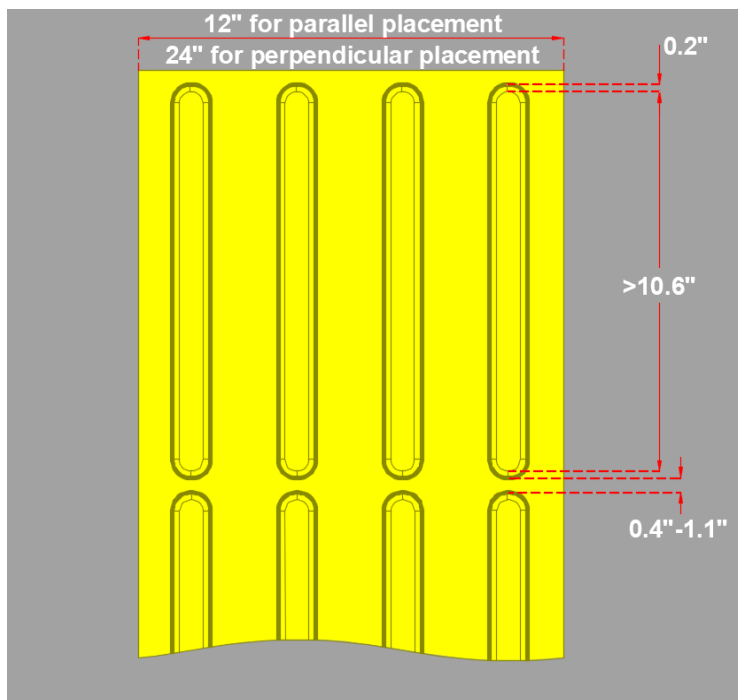


Exhibit 3: Longitudinal detectable edge



There are several bike lane-specific design elements which should be included when designing a bus stop based on Typology 2.

- 6 The bicyclist yield area provides space for bicyclists to stop for crossing pedestrians while also being protected from traffic.
- 7 The maximum bicycle ramp slope should be 1:12 from street to sidewalk level.
- 9 The bike lane transition taper of 1:10 is preferred, with a maximum of 1:5.¹⁷

Providing more space for bicyclists to yield for pedestrians and/or constructing a gentler slope or taper for the bike lane will improve comfort for bicyclists.

Lastly, vertical railings or lean rails may be optionally employed in Typology 2.

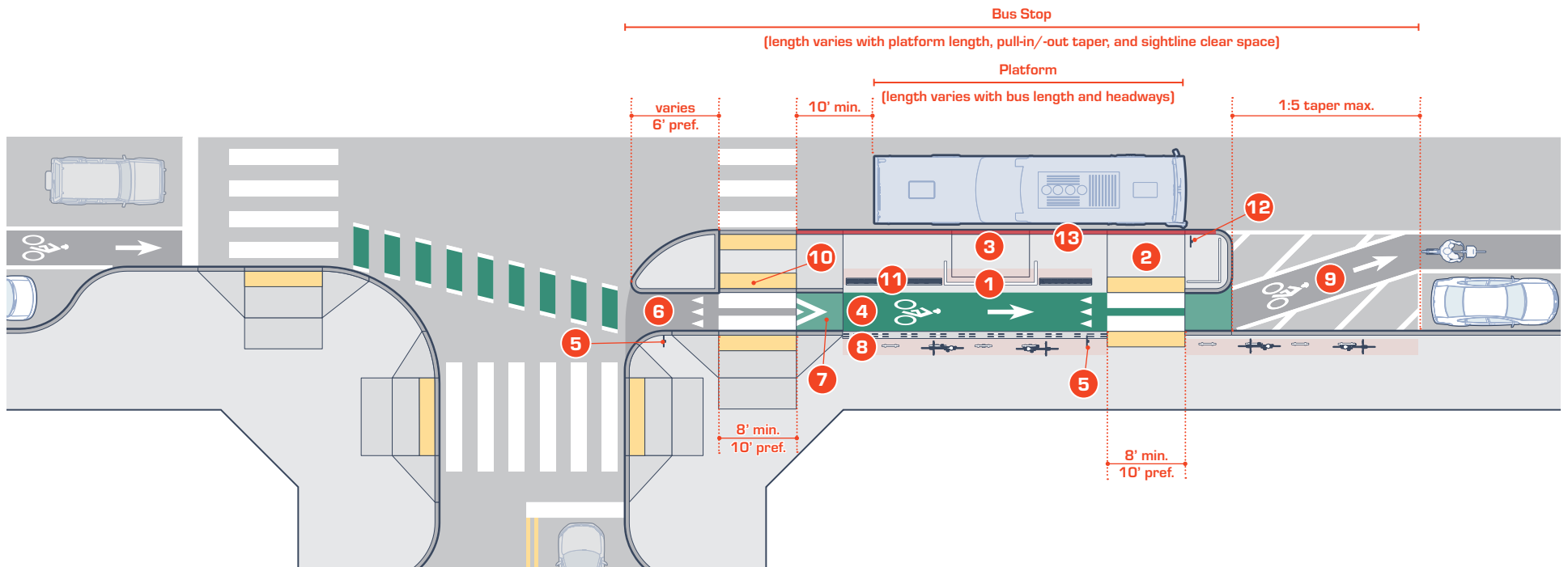
Table 5 provides guidance for these dimensions on Typology 2.

		Arterial Speed Limit
		All Speeds
Bus Stop Island		
40' Bus		40'
60' Bus		60'
Two 40' Buses		120'
One 40' Bus and One 60' Bus		140'
Two 60' Buses		180'
Entering Bike Lane Taper Distance		
Far-side Bus Stop		N/A
Near-side Bus Stop		24'
Mid-block Bus Stop		24'
Exiting Bike Lane Taper Distance		
Far-side Bus Stop		24'
Near-side Bus Stop		N/A
Mid-block Bus Stop		24'
Clearance from Crosswalk		
Far-side Bus Stop		10'
Near-side Bus Stop		10'
Mid-block Bus Stop		N/A

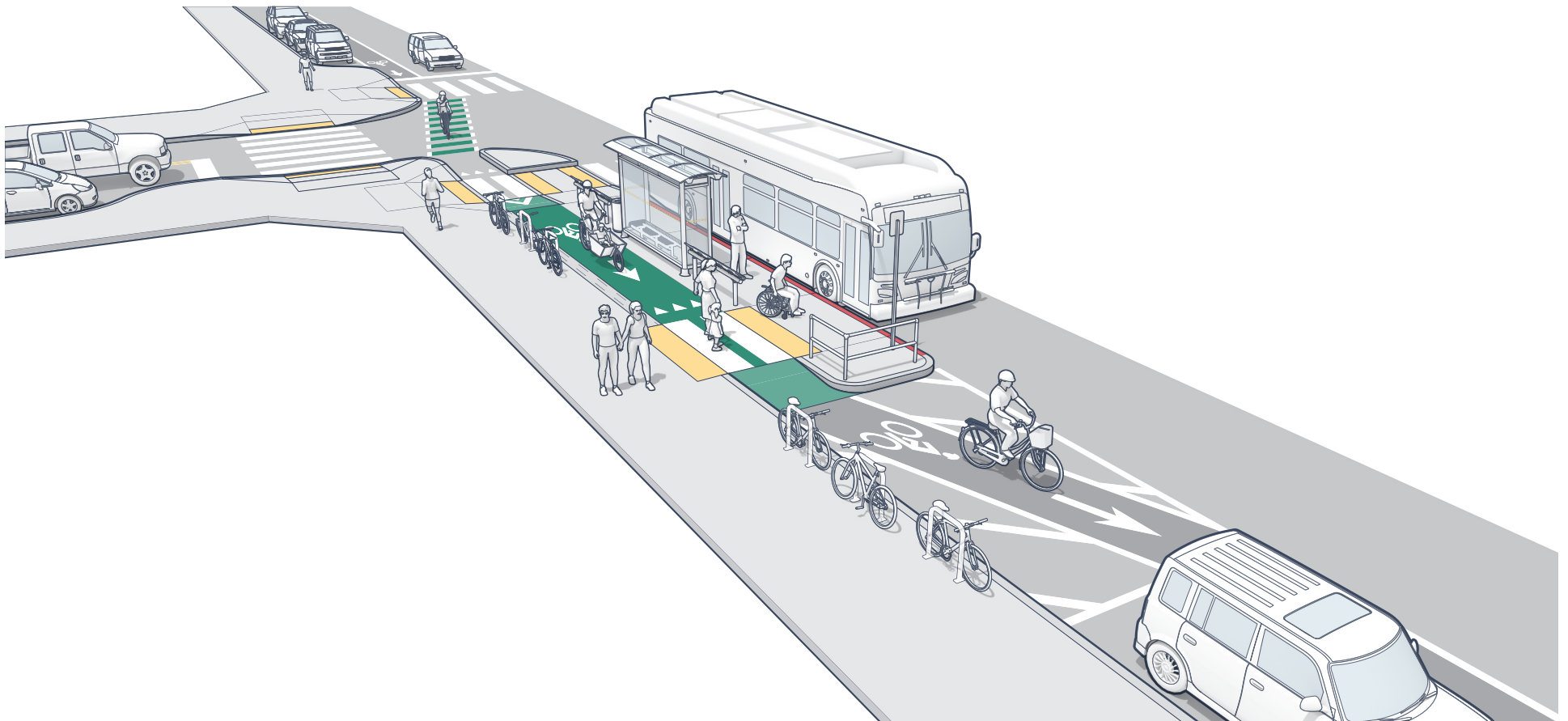
Table 5: Typology 2 Influence Area Minimum Dimensions

C. Typology 2: Plan View

- 1 Bus shelter (optional)
- 2 Accessible landing zone (min. 5' x 8')
- 3 Rear clear zone (11.5' x 8')
- 4 Green pavement (optional)
- 5 Bikes yield to peds sign (optional)
- 6 Bicyclist yield area
- 7 Bicycle ramp (max 1:12 slope)
- 8 Furnishing zone/Detectable edge
- 9 Bike lane taper (preferred 1:10 / max. 1:5)
- 10 Detectable warning surface
- 11 Vertical railing (optional)
- 12 Bus stop pole
- 13 Red curb zone (optional)



D. Typology 2: Perspective View



4.3 Typology 3 Class IV Bicycle Facility (Separated Bikeway) between the Curb and a General Traffic Lane

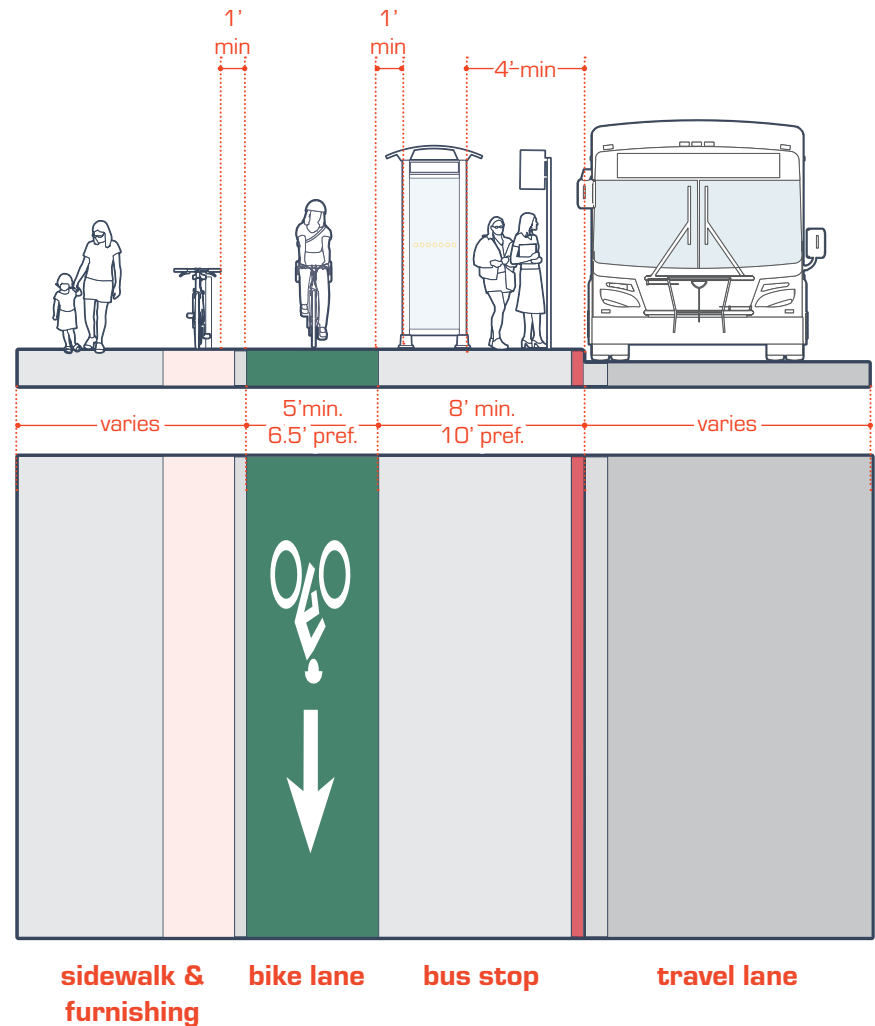
Typology 3 contains the same elements and dimensions in the cross-sectional view as Typology 2. Both designs route the bike lane behind the floating bus stop platform with a 1-foot shy distance between the bike lane and any furnishing or bus stop elements.

The difference between Typologies 2 and 3 is the presence of parking. In Typology 2, a parking lane is located to the inside of the bicycle lane; in Typology 3, there is no parking lane. Parked vehicles influence the bike lane taper lengths through intersections and exiting the bus platform area.

Typology 3 illustrates vertical separation with white plastic flexposts between the travel lane and the bikeway. There are many different forms of vertical separation that can be employed and there are several guidebooks discussing their benefits and drawbacks. In general, choosing any form of approved vertical separation will be appropriate in conjunction with a floating bus stop design.

Table 6 provides guidance for these dimensions on Typology 3.

A. Typology 3: Section View

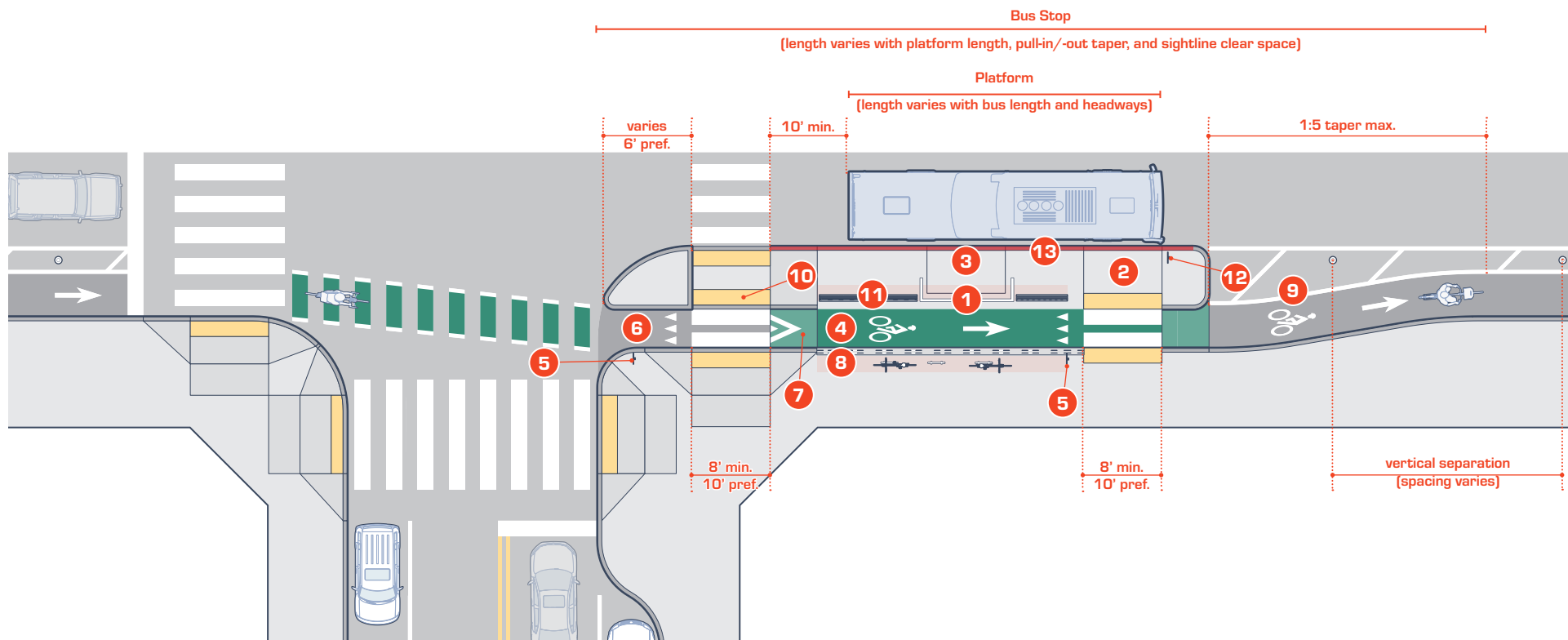


	Arterial Speed Limit
	All Speeds
Bus Stop Island	
40' Bus	40'
60' Bus	60'
Two 40' Buses	120'
One 40' Bus and One 60' Bus	140'
Two 60' Buses	180'
Entering Bike Lane Taper Distance	
Far-side Bus Stop	N/A
Near-side Bus Stop	18'
Mid-block Bus Stop	18'
Exiting Bike Lane Taper Distance	
Far-side Bus Stop	18'
Near-side Bus Stop	N/A
Mid-block Bus Stop	18'
Clearance from Crosswalk	
Far-side Bus Stop	10'
Near-side Bus Stop	10'
Mid-block Bus Stop	N/A

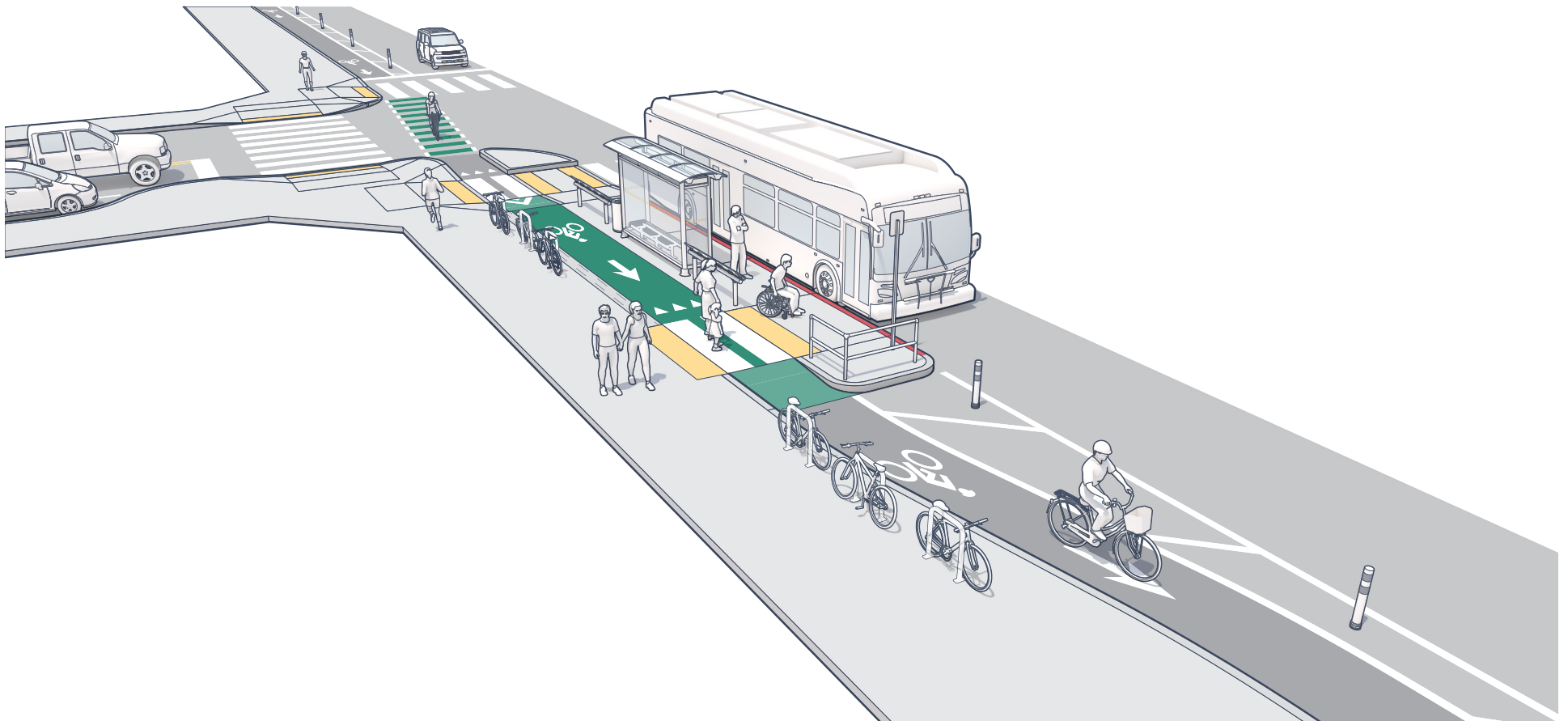
Table 6: Typology 3 Influence Area Minimum Dimensions

B. Typology 3: Plan View

- 1 Bus shelter (optional)
- 2 Accessible landing zone (min. 5' x 8')
- 3 Rear clear zone (11.5 x 8')
- 4 Green pavement (optional)
- 5 Bikes yield to peds sign (optional)
- 6 Bicyclist yield area
- 7 Bicycle ramp (max 1:12 slope)
- 8 Furnishing zone/Detectable edge
- 9 Bike lane taper (preferred 1:10 / max. 1:5)
- 10 Detectable warning surface
- 11 Vertical railing (optional)
- 12 Bus stop pole
- 13 Red curb zone (optional)



C. Typology 3: Perspective View



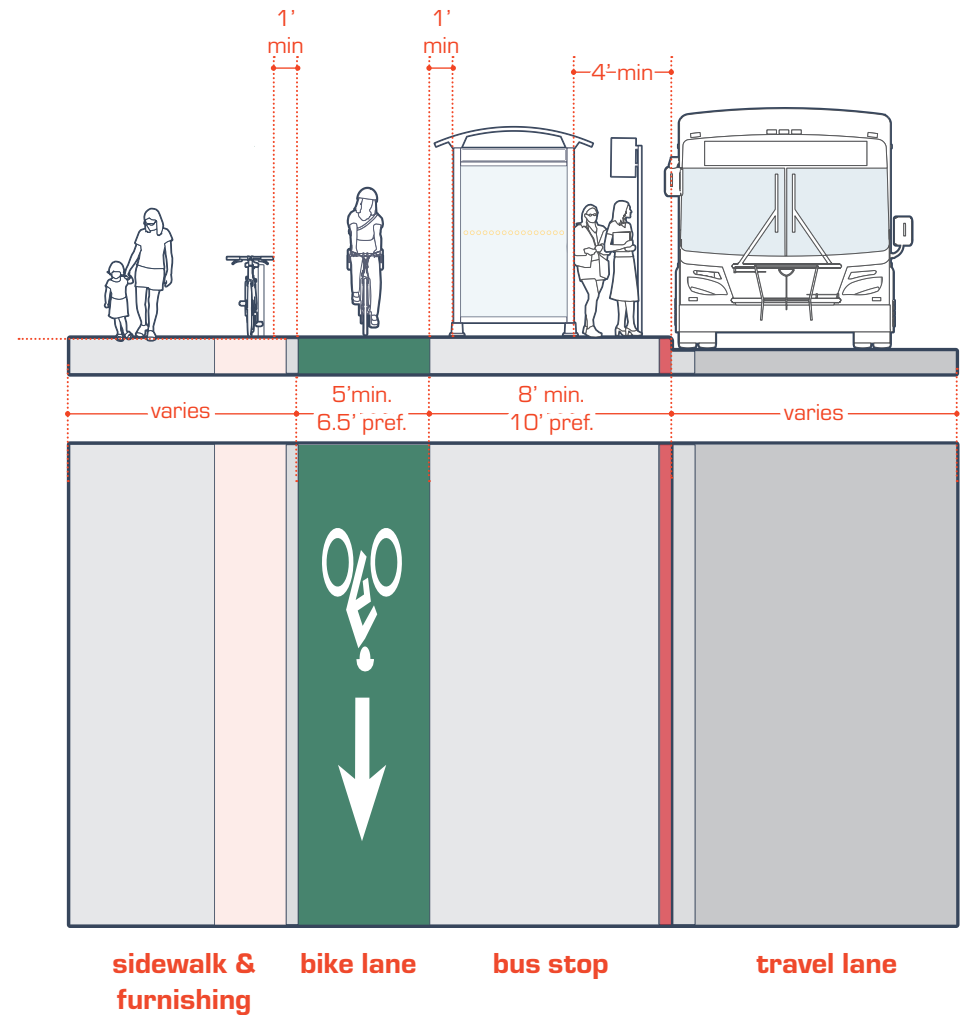
4.4 Typology 4 Class IV Bicycle Facility (Separated Bikeway) between the Curb and a Parking Lane

Typology 4's section view is also the same as the section views shown in Typologies 2 and 3.

A separated bikeway adjacent to parking can create a geometric cross section eliminating bikeway tapers through the intersection and exiting the floating bus platform area. Like Typologies 2 and 3, required, preferred, and optional design elements are annotated. The designer should consider the context of the area when including or excluding these design elements.

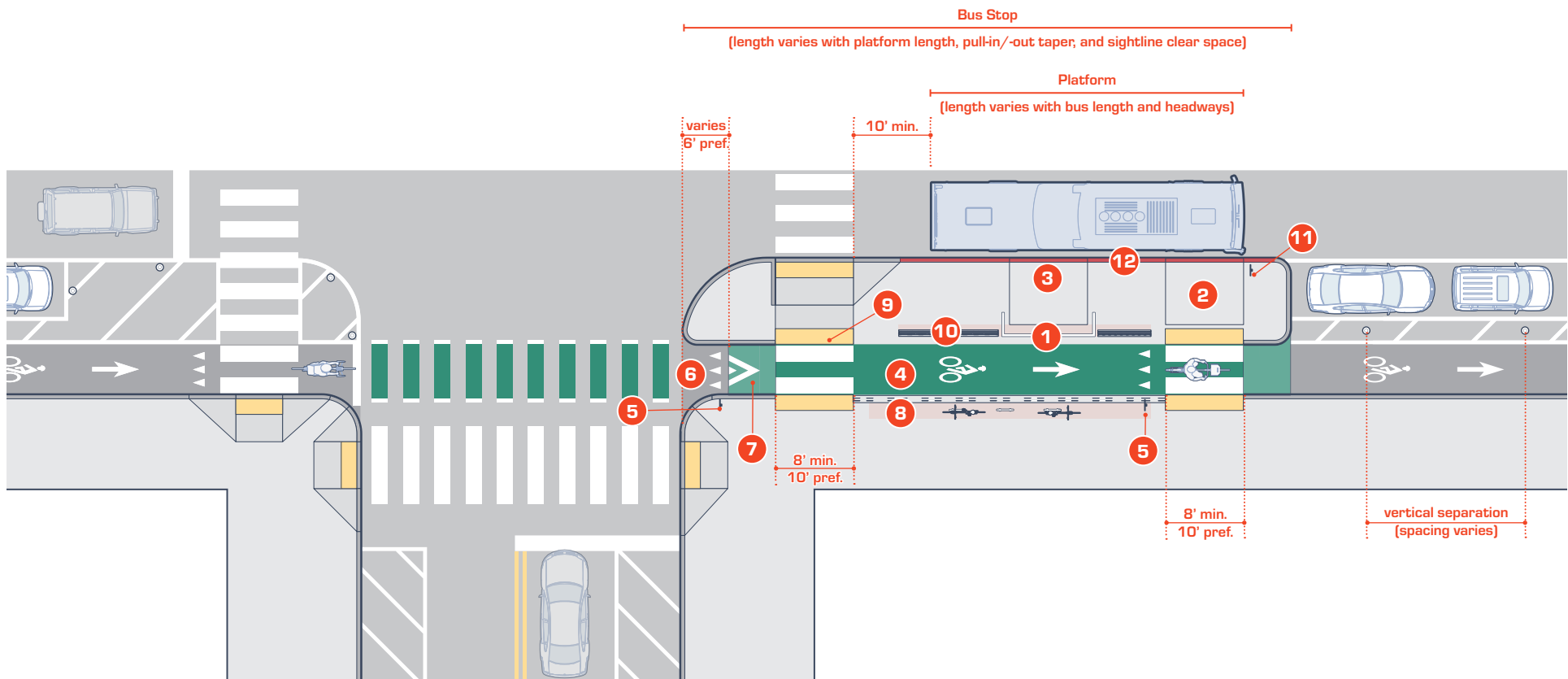
Table 7 provides guidance for these dimensions on Typology 4.

A. Typology 4: Section View

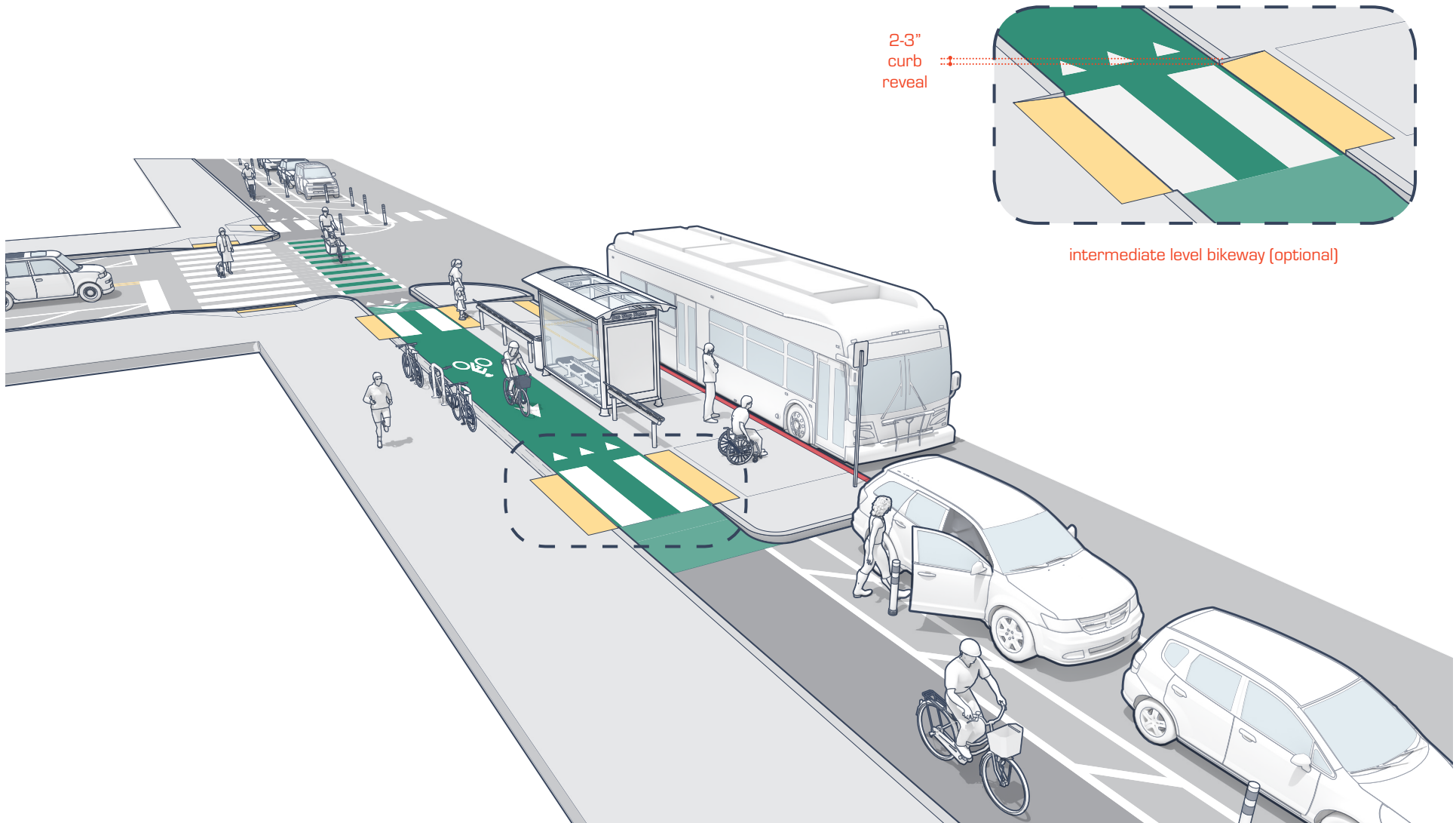


B. Typology 4: Plan View

- 1 Bus shelter (optional)
- 2 Accessible landing zone (min. 5' x 8')
- 3 Rear clear zone (11.5' x 8')
- 4 Green pavement (optional)
- 5 Bikes yield to peds sign (optional)
- 6 Bicyclist yield area
- 7 Bicycle ramp (max 1:12 slope)
- 8 Furnishing zone/Detectable edge
- 9 Detectable warning surface
- 10 Vertical railing (optional)
- 11 Bus stop pole
- 12 Red curb zone (optional)



C. Typology 4: Perspective View



Arterial Speed Limit	
All Speeds	
Bus Stop Island	
40' Bus	40'
60' Bus	60'
Two 40' Buses	120'
One 40' Bus and One 60' Bus	140'
Two 60' Buses	180'
Clearance from Crosswalk	
Far-side Bus Stop	10'
Near-side Bus Stop	10'
Mid-block Bus Stop	N/A

Table 7: Typology 4 Influence Area Minimum Dimensions

The perspective view of Typology 4 on the previous page features a callout diagram of an intermediate level bikeway design. A 2- to 3-inch curb reveal can be used to create an intermediate-level bikeway in lieu of a sidewalk-level bikeway adjacent to the floating bus stop island. There are several benefits and drawbacks of this optional design:

Benefits of Intermediate-level Bikeway Design

- **Vertical separation helps define the pedestrian and bicycle operating space. Cities with mature bicycling infrastructure regularly construct vertical separation between bicycle and pedestrian facilities.**
- **Decreased bike ramp length is needed between the street and bus platform level.**
- **The curb reveal provides a detectable edge between the sidewalk and the bikeway, eliminating the need for other longitudinal detectable elements. However, ADA-compliant ramps including detectable elements are required at pedestrian crossings of the bikeway.**

Drawbacks of Intermediate-level Bikeway Design

- **This design increases construction complexity.**
- **Drainage and maintenance of the bikeway in the bus stop platform area will require extra attention due to water pooling, leaf and debris buildup, etc.**

Importantly, curbs 4 inches or greater increase the risk of bicycle pedal strikes, so a 2- to 3-inch curb reveal is critical. Lastly, the 2- to 3-inch curb can be used in Typologies 2 through 5.

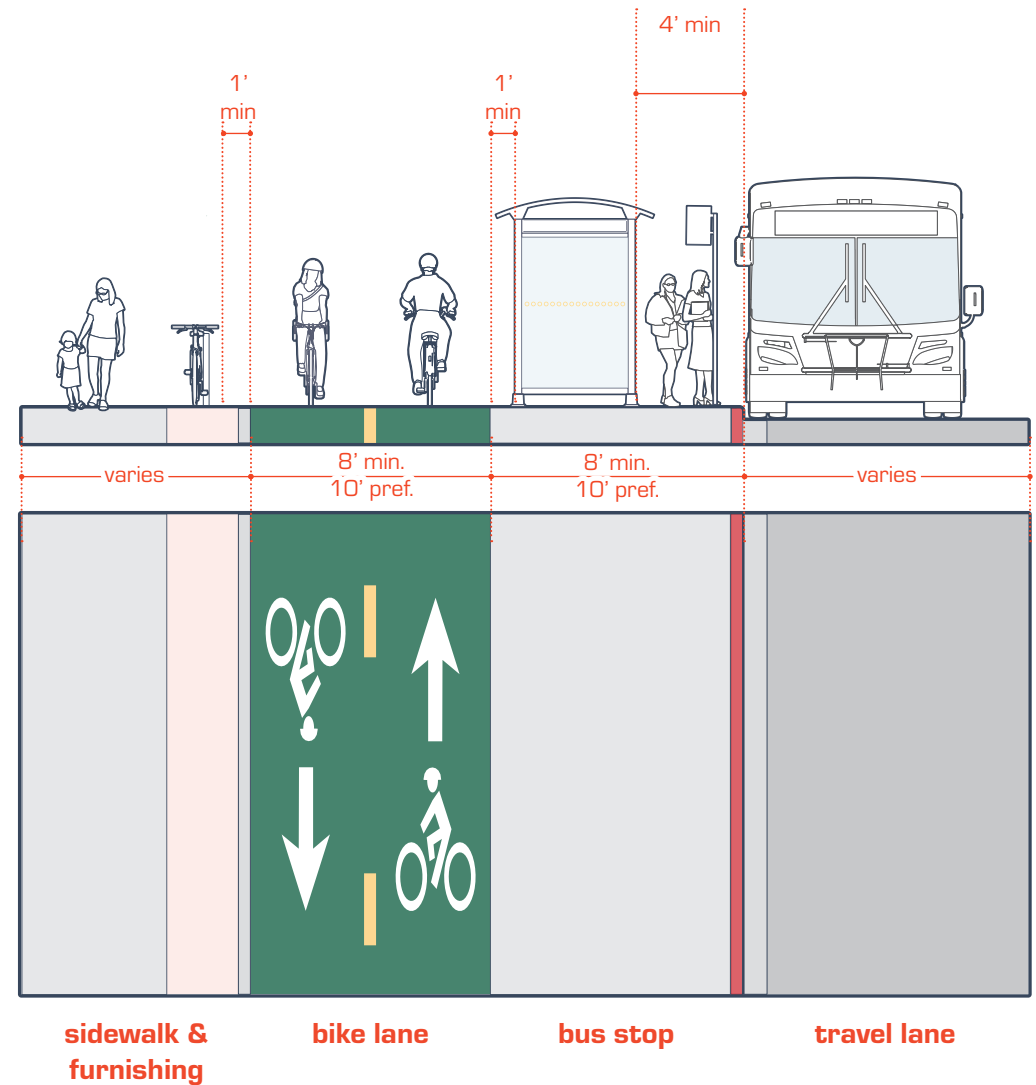
4.5 Typology 5 Class IV Bicycle Facility (Two-way Separated Bikeway) between the Curb and a Parking Lane

The cross section of Typology 5 uses the basic form of Typologies 2 - 4 where the bikeway is routed behind the floating bus stop platform and adjacent the sidewalk. Unique to Typology 5, the bikeway is designed for two-way travel, which necessitates increased minimum and preferred bikeway widths.

The plan view in Typology 5 illustrates fully curbed separated bikeway designs adjacent to parking. Again, there are many different vertical buffer treatments available to the designer, who should consider the context and constraints. When implementing Typology 5, special consideration should be given to increasing awareness of two-way bikeway travel at the floating bus stop platform. Signs, pavement markings, and other visual cues should be employed near the bus stop consistent with design guidance for two-way separated bike lanes.

Table 8 provides guidance for these dimensions on Typology 5.

A. Typology 5: Section View

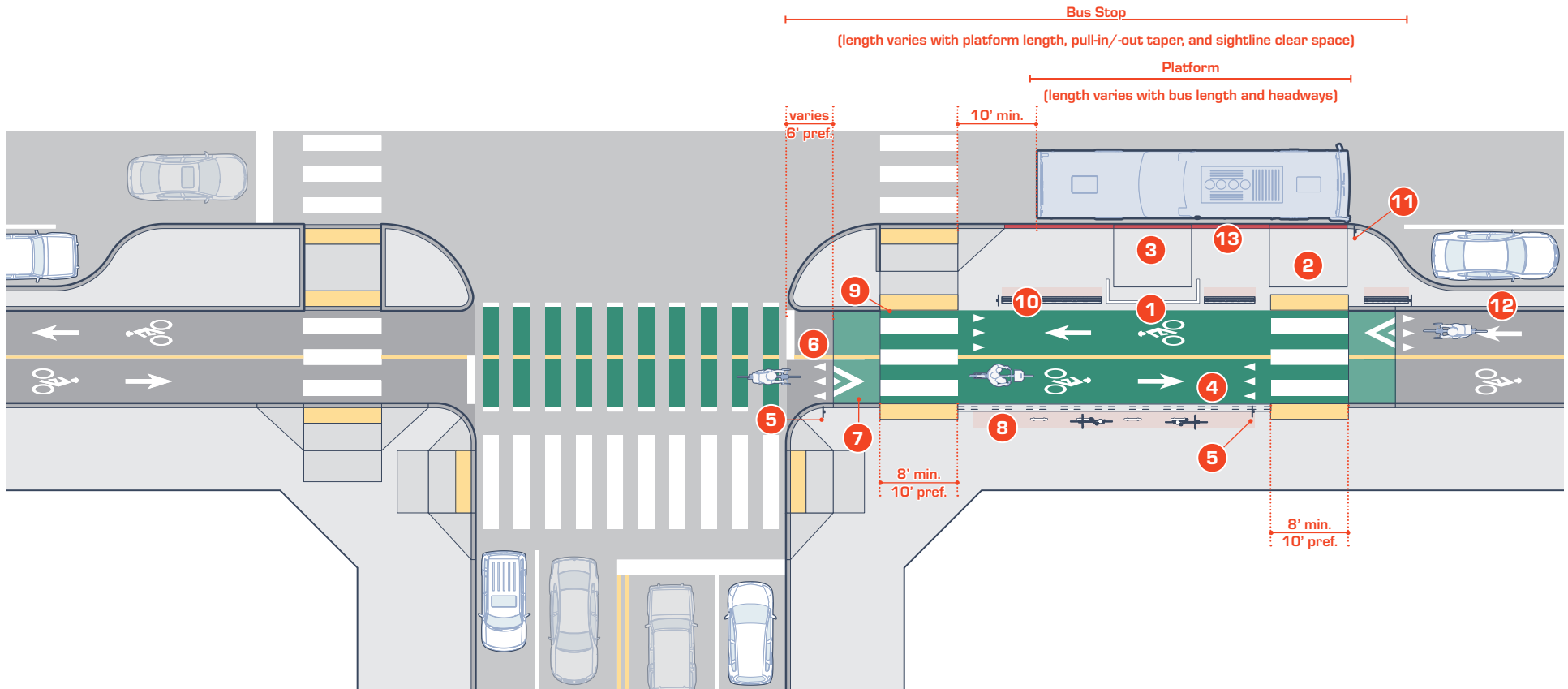


		Arterial Speed Limit
		All Speeds
Bus Stop Island		
40' Bus		40'
60' Bus		60'
Two 40' Buses		120'
One 40' Bus and One 60' Bus		140'
Two 60' Buses		180'
Clearance from Crosswalk		
Far-side Bus Stop		10'
Near-side Bus Stop		10'
Mid-block Bus Stop		N/A

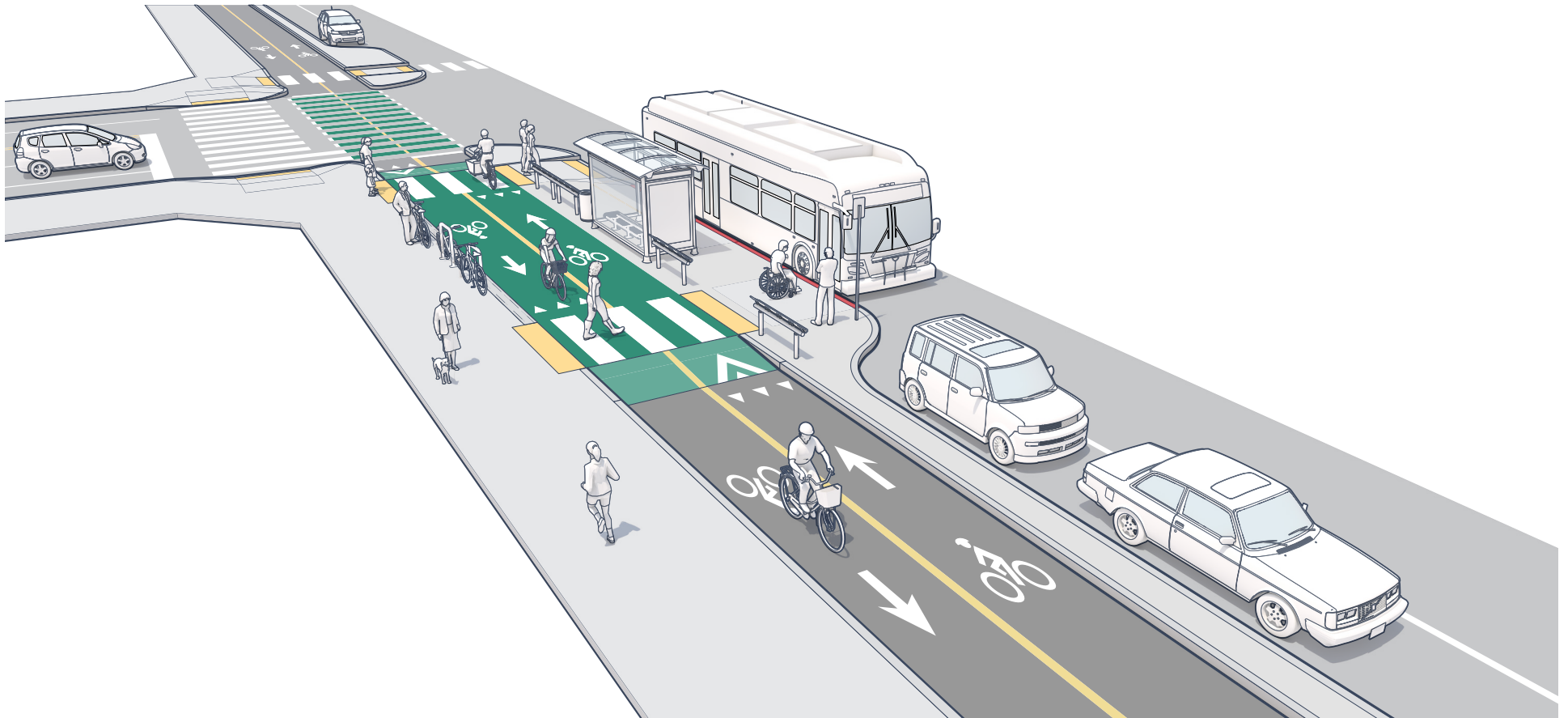
Table 8: Typology 5 Influence Area Minimum Dimensions

B. Typology 5: Plan View

- 1 Bus shelter (optional)
- 2 Accessible landing zone (min. 5' x 8')
- 3 Rear clear zone (11.5' x 8')
- 4 Green pavement (optional)
- 5 Bikes yield to peds sign (optional)
- 6 Bicyclist yield area
- 7 Bicycle ramp (max 1:12 slope)
- 8 Furnishing zone/Detectable edge
- 9 Detectable warning surface
- 10 Vertical railing (optional)
- 11 Bus stop pole
- 12 Buffer treatment varies
- 13 Red curb zone (optional)



C. Typology 5: Perspective View



5.0 Typology Selection



Designing an appropriate bus stop depends on many factors including but not limited to the roadway configuration, posted/actual vehicle speeds, and bus passenger activity. Due to this contextual variability, it is possible to select multiple typologies on a single transit corridor. Subsequently, tailoring design elements for each bus stop will depend on site constraints, context, and local jurisdictional preference. While designers should strive for consistency, being flexible with the final design could result in a safer, more comfortable, and better-functioning bus stop for all users

5.1 Typology Selection Guidance

Selecting a typology is influenced by several factors:

- **Roadway classification**
- **Roadway constraints**
- **Traffic posted/actual speeds**
- **Vehicle volumes**
- **Bike volumes**
- **Bus volumes**
- **Passenger activity**

Choosing a bus stop typology based on the relationship between these factors is challenging because a local jurisdiction may prioritize some roadway uses over others. AC Transit is sensitive to these local priorities and encourages designers to consider these alongside the guiding principles presented in this Guide when selecting a typology and eventual bus stop design.

Guiding Principle 1 – The proposed roadway configuration should be the primary determinant in the choice of a typology.

The presence of vehicle lanes, parking, buffers, bike lanes, and other roadway elements may be the more static elements of a roadway configuration as compared with dynamic roadway characteristics such as posted speeds, user volumes, and passenger activity. The presence of a bike lane, separated bike lane, or two-way separated bike lane provides one filter of typology choice. The presence of parking is another important consideration in choosing a typology.

Also, some static objects within the roadway configuration are less permanent than others. Vehicle lanes, parking and design elements of

the furnishing zone are commonly removed, rearranged, or re-sized to accommodate other uses. Removing or resizing vehicle lanes and/or parking spaces may be needed to provide appropriate entering/exiting tapers for the bikeway. If there are existing design elements such as bus shelters, they could be too large to fit into a new floating bus stop location based on the typology dimensions. The local jurisdiction should work with AC Transit to develop solutions to design issues considering the range of roadway users.

However, there are several unique roadway configurations which could make selecting a typology difficult:

- **Suburban/rural locations with no sidewalks**
- **Roadway configurations with mixed-traffic bicycle facilities**
- **Locations with exclusive bus lanes**
- **Roadways with angled parking**
- **Shared street**
- **Other roadway configurations**

In these cases, the stop location should be examined in detail and engineering judgment should be applied to develop a design solution that balances the needs of all roadway users.

Guiding Principle 2 – Floating bus islands are preferred for bus routes with headways of 15 minutes or less.

Floating bus islands have two types of bus operational benefits. When a bus approaches a floating bus stop, it does not need to exit and re-enter the vehicle lane to serve each request for boarding or alighting. Merging back into the travel lane can be challenging for bus operators due to motorists failing to yield to the merging movement. Eliminating this issue can lead to travel time savings, which translates into operational cost savings and improved travel experience for customers. The other operational benefit includes a designated area for passengers to wait for their bus. This additional space allows AC Transit, and potentially

the local jurisdiction, to add further bus stop amenities to improve the passenger transit experience. Given a bus route with 15-minute headways, the operational and passenger benefits of floating bus islands may accumulate over a typical day and beyond.

Guiding Principle 3 – Floating bus islands are not preferred for roadways with posted speeds of 35 mph or higher.

Implementing a floating bus island means that a bus will stop in traffic and subsequently block traffic. With posted speeds of 35 mph or higher, a boarding/alighting event may create a safety issue between vehicles and bus operations. In these situations, a bus pull-out may be a more appropriate bus stop design treatment.

Consideration should be given to how bicyclists travel through a bus pullout. Bus pullouts may remove the bus completely from the vehicle and bike lane, allowing an unobstructed bicycle through movement. Designers should consider routing the bikeway behind the bus stop pullout, especially on higher speed roads and where bicycle through movements may be blocked by a stopped bus.

Where roadways have posted speeds of 35 mph or higher, separated bike lanes are recommended due to the increased risk bicyclists face on these types of roads. If separated bike lanes are implemented, their separation should be continued through a bus stop and potential bus pullout. In this situation, Typologies 3 to 5 may be appropriate to reference when designing the bus stop.

Guiding Principle 4 – A typology choice should incorporate future curbside use and future roadway configurations.

Choosing a typology could involve planning for future transit and/or roadway projects. AC Transit may make route enhancements or modifications in a corridor, and there could be changes to land use or other transit demand-related contexts. When these transit-related changes are being planned, changes to bus frequency could justify a floating bus stop at certain locations along the new route. Integrating an appropriate typology corresponding to the planned change may be especially important given the presence of bikeways and parking.

Local jurisdictions should consider floating bus stops when redesigning a corridor that carries an existing transit route and has existing bicycle facilities. Even if the transit route is low-frequency, designing the corridor with floating bus stops will allow for higher-quality bikeways and result in a safer, more balanced, comfortable, and functional corridor.



Emeryville, CA

6.0 Maintenance Considerations

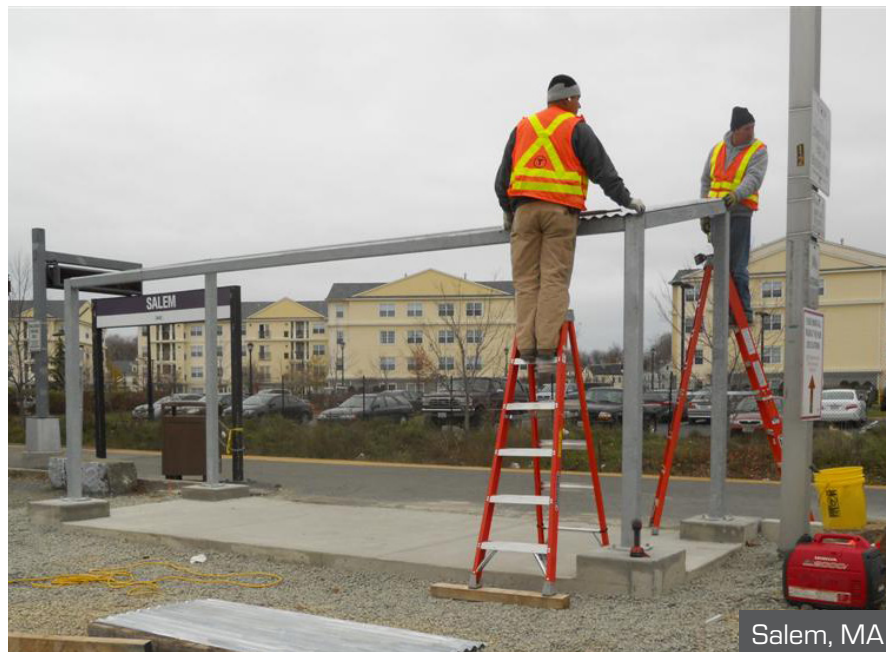


Bus stop locations are typically on the edge of the roadway corridor and located in densely populated environments which accumulate debris during all seasons. Providing and implementing an effective maintenance program ensures continuity throughout the system.

Bus stops require routine maintenance to ensure functionality and provide a pleasant environment for all users. Litter can accumulate at bus stops and trees or other vegetation may drop foliage regularly or seasonally. Vandalism can also occur and should be remedied. Regular, seasonal, and as-needed maintenance agreements should be established with local jurisdictions or property owners. Some of these maintenance costs can be offset with bus stop and bus-related advertising.

Floating bus stops have special maintenance considerations because of the channelization created for the bikeway route. Bikeways may catch debris, dirt, and leaves, which should be swept on a regular or seasonal basis. Leaves, especially when wet, are very slippery and can create hazards for bicyclists passing through the area. Bus stop maintenance workers can use a variety of techniques to keep these areas clean, including hand sweeping, pressure washing, small hand-operated machines, or narrow maintenance vehicles.

Lastly, bus stops should be regularly inspected and the quality of design elements should be noted over time as they slowly deteriorate and lose their colorful luster. Inspecting and inventorying design elements could yield valuable information on longevity, replacement, and cost expectations. The information could then be used to investigate more robust design elements to be installed for existing or future bus stops.



Salem, MA

7.0 Reference Endnotes



Berkeley, CA

Reference Endnotes

- ¹ Highway Design Manual, 6th Edition. Caltrans. 2017
- ² California Manual on Uniform Traffic Control Devices. State of California. Caltrans. California State Transportation Agency. 2014.
- ³ Bus Stop Policy. AC Transit. Policy No. 508 Board Policy. Adopted 1989, Amended 2005.
- ⁴ Designing with Transit: Making Transit Integral to East Bay Communities. AC Transit. 2004.
- ⁵ Central County Complete Streets Design Guidelines. Alameda County Transportation Commission. 2016.
- ⁶ Guide for the Development of Bicycle Facilities, 4th edition. American Association of State Highway Transportation Officials. 2012.
- ⁷ Urban Street Design Guide. National Association of City Transportation Officials. 2013.
- ⁸ Transit Street Design Guide. National Association of City Transportation Officials. 2016.
- ⁹ Urban Bikeway Design Guide. National Association of City Transportation Officials. 2014.
- ¹⁰ Manual on Uniform Traffic Control Devices. Federal Highway Administration. 2009 Edition.
- ¹¹ Rhode Island Bus Stop Design Guide. Rhode Island Public Transit Authority. 2017.
- ¹² Transit Cooperative Research Program Report 65: Evaluation of Bus Bulbs. Fitzpatrick, et al. Transportation Research Board, Washington DC. 2001.
- ¹³ Service Standards and Design Policy. AC Transit. Policy No. 550 Board Policy. Adopted 1994, Amended 2004, 2008.
- ¹⁴ Essentials of Bike Parking: Selecting and Installing Bike Parking that Works. Association of Pedestrian & Bicycle Professionals. 2015.
- ¹⁵ Roadway Lighting RP-8-14. Illuminating Engineering Society. 2014.
- ¹⁶ A Summary of Design, Policies, and Operational Characteristics for Shared Bicycle/Bus Lanes. Florida Department of Transportation Research Center. 2012.
- ¹⁷ Design Information Bulletin Number 89. Class IV Bikeway Guidance (Separated Bikeways/Cycle Tracks). California Department of Transportation (Caltrans). 2015.



**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

December 13, 2022

To: Honorable Mayor and Members of the City Council
 From: Councilmember Ben Bartlett (Author), Councilmember Terry Taplin (Co-Sponsor)
 Subject: Referral to the Civic Arts Commission to Create an Official Song, Motto, and Flag for the City of Berkeley

RECOMMENDATION

Refer to the Civic Arts Commission to select an official song, flag, and motto for the City of Berkeley by holding a city-wide competition, and approved by the City Council.

CURRENT SITUATION:

The City of Berkeley (the “City”) strives to support residents' physical and emotional well-being by cultivating an inviting and engaging community environment. Many Berkeley residents are proud to have lived in Berkeley for decades and continue to advocate for this community to be the best it can be. Berkeley has a storied tradition of moral conviction, innovation, and creativity and is proud of its values. The City is also populated by a robust, artistic population. Berkeley is home to a wide array of singers, authors, photographers, designers, playwrights, dancers, directors, producers, rappers, musicians, poets, dj's, sculptors, digital artists, filmmakers, novelists, illusionists, and actors among its population. Some artists are famous, some are amateurs, some are kids, some are hobbyists, and many are unknown. This item intends to invite these artists to contribute their talents to the betterment of their community. 1) The implementation of a city song could highlight the strength of the Berkeley community, boost civic morale, enhance social connections, and even increase economic growth. 2) Implementing a motto might encapsulate the City's ethos and generate a stronger sense of community, where each individual feels connected to the city. For example, a constituent once proposed Integritas Pro Rupe Nobis (“United to Assist”) as a motto for the City. 3) A physical flag can serve as the visual translation of the City's creed, and could allow residents, and former residents, now living elsewhere to showcase their love and commitment to the City.

The Arts Commission should utilize performance spaces, artistic venues, IKE kiosks, and other places of public display to showcase submitted works. After two years of sheltering in place, Berkeley residents would be served by an opportunity to engage one another and to have fun. Hosting a city wide competition to select the city song, motto, and flag would foster deeper community engagement, drive economic development, and help residents showcase their creativity, and articulate Berkeley values.

BACKGROUND:

Many cities have logos or symbols to represent their community. These visuals communicate the city's values that its council strives to uphold through public policy. A city song, motto, and flag encompass these benefits while also creating a profound emotional connection between the city and its people.

In 2020, the United States Conference of Mayors recognized that importance and created the City Song Project, where mayors were chosen from across the country to produce a song that “represents and uplifts [their] community.”¹ The project stemmed from the City of Louisville, Kentucky, which created its own city song to bring musicians and artists together to raise funds for their COVID-19 response efforts.

¹ “City Song Project.” *United States Conference of Mayors*, 2 Dec. 2020, <https://www.usmayors.org/city-song-project/>.

The entries from cities such as Detroit, Austin, Oklahoma City, and New Orleans all targeted the unique cultural aspects of each city.

The city of Burnsville, Minnesota also created a song competition to find a song that best represented their community. They invited local musicians and creatives to create a tune with specified lyrics that would be incorporated into the final song. They hosted three rounds where residents voted for a final song to create their current city song. The city rewarded the winner with the opportunity to record their song officially through a local organization. This precedent can provide an outline for a competition in Berkeley. Advertisement for the competition through flyers and postings in local newspapers can attract local artists to contribute and potentially gain more coverage for their music.

Music in general has major emotional value, especially in the face of hardships and turmoil. The city of San Francisco captures this idea with two city songs. The first song is more robust, reflecting the effects of the 1906 earthquake and fire, and the new awakenings of its future. The second is a ballad, highlighting the sleepy and romantic San Francisco city.² Music has the ability to evoke powerful responses from people and serves as a means to unite people.³ A song also leaves lasting impacts on people's memory. In 2019, San Jose unveiled a new city song written by a 16-year-old artist who fell in love with the city.⁴ Residents are familiar with this song, and it often comes to mind when someone refers to the city. Similarly, a city motto can generate the same emotional connection as a song. Together, a motto and song create a sense of involvement within the community for all Berkeley residents.

The development of a motto can also provide financial gains for the City. If the City of Berkeley trademarks the motto "United to Assist," this could also enhance economic development.⁵ This phrase, along with a flag, will be an emblem of Berkeley, and promote the uniqueness of the city. This distinguishing feature can attract tourists and visitors to the city, providing local Berkeley businesses with more traffic. A prime example of this is New York City's "I (Heart) New York" logo, which was created in 1977 and is still relevant today.⁶ Thus, this trademark is not only a source of economic development but also a feature of the City that lasts for years to come.

FISCAL IMPACTS OF RECOMMENDATION

Hosting a competition can involve preparation for the venue as well as decorations. However, a song representing Berkeley can have positive fiscal impacts in the long run. San Jose's song was used as a promotional advertisement to promote the city as a travel destination. This generates more revenue for

² "San Francisco's Official Songs." *The Museum of the City of San Francisco*, <https://sfmuseum.org/hist1/song.html#:~:text=%22I%20Left%20My%20Heart%20in,city%20song%20October%206%2C%201969>.

³ "Music, Emotion, and Well-Being." *Psychology Today*, Sussex Publishers, <https://www.psychologytoday.com/us/blog/science-choice/201908/music-emotion-and-well-being#:~:text=Music%20has%20the%20ability%20to,alter%20mood%20or%20relieve%20stress>.

⁴ Cull, Ian. "Visit San Jose Debuts New Theme Song for the City." *NBC Bay Area*, NBC Bay Area, 13 June 2019, <https://www.nbcbayarea.com/news/local/visit-san-jose-debuts-new-destination-theme-song/181101/>.

⁵ "Trademarking a City Slogan to Enhance Economic Development - Randle Law Office: (281) 657-2000." *Randle Law Office | (281) 657-2000*, 17 Aug. 2018, <https://www.jgradyrandlepc.com/local-governmental-entities/trademark-city-slogan/>.

⁶ "Using Trademarks as a Tool to Boost Local Economic Development through Place Branding." *New Hampshire Municipal Association*, <https://www.nhmunipal.org/town-city-article/using-trademarks-tool-boost-local-economic-development-through-place-branding>.

local businesses and can increase awareness for their causes. These precedents provide the structure of the competition. Calling for volunteers at the event could be a way to alleviate the amount of staff needed to run the event and could attract more involvement within the community. By efficiently reaching out to local musicians, bands, and up-and-coming singers, Berkeley can provide an incentivized opportunity for greater outreach. Highlighting the purpose of creating a city song is key to emphasizing the honor of participating, and the importance of a song within this community.

OUTCOMES AND EVALUATION

It is expected that the City Council will refer this creation of a city song, motto, and flag to the Arts Commission. If the song, motto, and flag are implemented, they are expected to boost civic engagement and morale.

CONTACT PERSON

Councilmember Ben Bartlett
James Chang
Wenxin (Nina) Li
Dafne Cruz Rodriguez

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info
510-981-7130
510-981-7131



CONSENT CALENDAR
December 13, 2022

To: Honorable Mayor and Members of the City Council
From: Councilmember Ben Bartlett
Subject: Referral to the Health Commission to Regulate the Sale of Miniature Bottles of Alcohol "Airplane Bottles"

RECOMMENDATION

Direct the Health Commission and the Environmental Commission to propose regulations on the sale of miniature bottles of alcohol ("Airplane Bottles") in the City of Berkeley.

BACKGROUND/CURRENT SITUATION

As a community, the City of Berkeley ("Berkeley" or the "City") has continuously made efforts to improve the well-being of community members and the environment. As reported by the California Health Care Foundation, the alcohol epidemic is on the rise and is particularly acute among many members of the unhoused community.¹ The small size and low unit price of Airplane Bottles, combined with the problematic placement of liquor stores, conspire to make hard liquor overly accessible to people in crisis. Additionally, Airplane Bottles contribute to the City's litter problem, concentrating debris in neighborhoods adjacent to liquor stores. To address impacts on health, safety, and environmental harm, the City must address the consumption and sale of miniature bottles of alcohol.

Impact on Homeless and Rehabilitation Centers: According to a 2019 survey from the Substance Abuse and Mental Health Services Administration of the US Department of Health and Human Services, 38% of homeless individuals are alcohol dependent, demonstrating the pervasiveness of alcohol in homeless communities, and highlights the difficulty of achieving sobriety.² Homeless individuals who abuse alcohol are reported to remain homeless for longer amounts of time as compared to sober homeless individuals.³

The City of Berkeley has experienced an increase in alcohol consumption in its unhoused population. According to the 2017 Berkeley Homeless Census and Survey, 24 percent of the 972 unhoused individuals suffer from drug or alcohol abuse, emphasizing the prevalence of these substances among the homeless population.⁴ The September 2016 report by the Bureau of Alcohol and Beverage Control and the Berkeley Police Department has found that there have been 551 alcohol-related incidents, which is a 30% increase from 2015.⁵

¹ "2022 Edition - Substance Use in California." California Health Care Foundation, 3 Feb. 2022, <https://www.chcf.org/publication/2022-edition-substance-use-california/#related-links-and-downloads>.

² "Homelessness and Addiction - Addiction Center." Addiction Center, <https://www.addictioncenter.com/addiction/homelessness/>.

³ "Homeless Alcoholism." *Alcohol Rehab Guide*, 24 Feb. 2022, <https://www.alcoholrehabguide.org/resources/homeless-alcoholism/>.

⁴ Hernandez, Lisa B, et al. City of Berkeley Health Status Report 2018. City of Berkeley, City of Berkeley Health Status Report 2018, https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/2018-health-status-report-berkeley.pdf.

⁵ Cherney, Max. "First Responders, Students Question Stats Showing Rise in Alcohol Abuse at UC Berkeley." *Berkeleyside*, Berkeleyside, 29 Sept. 2016, <https://www.berkeleyside.com/2016/09/29/first-responders-students-question-stats-showing-rise-in-alcohol-abuse-at-uc-berkeley>.

The low cost of Airplane Bottles presents an inordinately accessible source of alcohol, worsening the public health crisis. Consistent alcohol abuse increases the rate of cardiovascular disease, immune suppression, and mental health disorders.⁶ An additional concern is the inexplicable proximity of liquor stores to rehabilitation centers. In Berkeley, the easy accessibility to “Airplane Bottles” is especially pronounced near abuse recovery centers.⁷ City maps clearly show addiction treatment centers cited disturbingly close to liquor stores, often less than a block away. Berkeley’s most vulnerable populations have been set up to fail. This predatory “trap” amounts to an institutional barrier to wellness.

Impact on the Environment: Airplane Bottles use single-use beverage packaging, which is a major source of litter in our streets, plastic in landfills, pollution in waterways and oceans, greenhouse gas emissions, and harm to wildlife. In many cities, including Berkeley, it is common to find Airplane Bottles around the streets because these miniature items are forgettable small bottles that can slip out of one’s pocket or be “thrown out of a window.”⁸ An example of a similarly harmful product being eliminated through regulation is plastic bags. The regulation of plastic bags has reduced the pollution seen around cities, and some grocery stores have completely eliminated them⁹. The ban on plastic bags, combined with the cost to consumers of purchasing them, incentivizes individuals to use reusable bags instead. The reduced waste has even created less pollution in various public spaces such as parks, rivers, and city streets. Banning plastic straws has made a similar impact. Limiting the use of single-use plastic items has been effective in reducing their abundance in wastelands. Similarly, banning Airplane Bottles might further reduce this type of waste in Berkeley.

Other Jurisdictions Provide Precedent: In order to address the social and environmental impacts associated with Airplane Bottles, numerous jurisdictions have banned alcoholic beverages in containers 100 milliliters or less.¹⁰

In Massachusetts, the cities of Chelsea, Mashpee, Falmouth, Wareham, and Newton have all enacted ordinances regulating the sale of Airplane Bottles.

The City of San Bernardino approved an ordinance banning the sale of beer and malt liquor in containers that are less than 40 ounces.¹¹ It also includes hard liquor sold in small bottles. San Bernardino’s stated intent was to address public health by not facilitating substance abuse among people in crisis on the streets.

⁶ “Behind the Numbers: Alcohol is Killing More People Than the Opioid Epidemic. Why Aren’t We Talking About It?” <https://www.caron.org/blog/alcohol-is-killing-more-people-than-the-opioid-epidemic>

⁷ “Images of Liquor Stores and Rehabilitation Centers in the City of Berkeley.” Google Docs, Google, https://docs.google.com/document/d/1LfM41TmMSRNa4-Ujz-Ofo2vogz9dxzdWLBu_tSUY9M/edit?usp=sharing.

⁸ Barnes, Jennette. “A Nip of Trouble: Are Tiny Liquor Bottles on Cape Roadsides More than Just Litter?” CAI, CAI, 13 Mar. 2020, <https://www.capeandislands.org/news/2020-03-12/a-nip-of-trouble-are-tiny-liquor-bottles-on-cape-roadsides-more-than-just-litter>.

⁹ “Why Bag Laws Work: A Summary of Plastic Bag Law Effectiveness.” Surfrider Foundation, <https://www.surfrider.org/coastal-blog/entry/why-bag-bans-work-a-summary-of-plastic-bag-law-effectiveness>.

¹⁰ “More Towns Banning Nips & Miniatures in Liquor Stores.” *Liquor Store Broker & Liquor License Advisor*, 4 May 2022, <https://liquorlicenseadvisor.com/2022/05/04/more-towns-banning-nips-miniatures-in-liquor-stores/>.

¹¹ Brayton, Julie. “Single-Bottle Booze Banned in San Bernardino.” *NBC Los Angeles*, NBC Southern California, 5 May 2010, <https://www.nbclosangeles.com/news/local/single-bottle-booze-banned-in-san-bernardino/1918405/>.

New Mexico also implemented a liquor law in July 2022 that bans the sale of these miniature liquor bottles.¹² These bans were both in an effort to address the growing number of these bottles piling up on curbs, in public spaces, and for the prevention of waterway pollution, which ultimately creates a hazard for community members.

Likewise, the regulation of Airplane Bottles can be expected to enhance public health outcomes, and reduce litter in Berkeley.

ENVIRONMENTAL SUSTAINABILITY

The regulation of Airplane Bottles is expected to reduce litter in Berkeley. Reducing such litter cleans up waterways, allows miniature urban environments to thrive, and improves the City's aesthetic.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Currently, California and the City of Berkeley have no policies prohibiting the sale of any alcoholic beverages more than 300 feet from schools, churches, hospitals, etc.¹³

FISCAL IMPACTS OF RECOMMENDATION

Potential factors being fiscally implicated are: businesses regarding alcohol sales, individuals' health with medicine and doctors, the city's enforcement of the code, and the city's costs related to crime reduction are to be determined in a further study. This recommendation is being referred to the Health Commission for further research into the fiscal impacts of this proposal.

RATIONALE FOR RECOMMENDATION

This proposal would combat the harm that small liquor bottles inflict on public health and the environment. Due to their compact size, these bottles are easier to transport and conceal. Additionally, students and unhoused individuals may be more attracted to purchase and carry more bottles under the illusion from the small size that there is less alcohol yet the percentage of alcohol contained within is what causes the harm. This ban on Airplane Bottles would signify less access to concealable alcohol for the overall population, especially the homeless.

OUTCOMES AND EVALUATION

It is expected that the City Council will refer this ban on Airplane Bottles to the Health Commission, which will then enact a cost-effective and efficient way of removing existing bottles and preventing the sale of future ones.

CONTACT PERSON

Councilmember Ben Bartlett	bbartlett@cityofberkeley.info
Kimberly Woo	510-981-7131
Reequanza McBride	510-981-7135
Wenxin (Nina) Li	510-981-7130
Dafne Cruz Rodriguez	510-981-7130

¹² Chacón@sfnewmexican.com, Daniel J., and Luis Sánchez Saturno/The New Mexican. "New Liquor Law to Ban Most Mini Sales in New Mexico." *Santa Fe New Mexican*, 28 Apr. 2022, https://www.santafenewmexican.com/news/local_news/new-liquor-law-to-ban-most-mini-sales-in-new-mexico/article_454d11d8-8bec-11eb-91e7-3797d461bcff.html.

¹³ "§ 111.03 Sale of Alcoholic Beverages Prohibited near Public Schools, Private Schools, Churches and Public Hospitals." American Legal Publishing Corporation, https://codelibrary.amlegal.com/codes/mtpleasanttx/latest/mtpleasant_tx/0-0-0-123.

Upcoming Worksessions and Special Meetings <i>start time is 6:00 p.m. unless otherwise noted</i>	
Scheduled Dates	
Feb. 21	1. Local Pandemic/Endemic Update Report 2. Housing Preference Policy
March 14	1. Annual Crime Report (4:00 p.m.)
March 21	1. Civic Arts Grantmaking Process & Capital Grant Program (4:00 p.m.) 2. Civic Center Vision Project (4:00 p.m.)
May 16	1. Fire Facilities Study Report

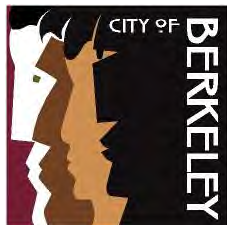
Unscheduled Workshops and Special Meetings
1. Adoption of Election Results (December 2022) 2. Housing Element (January 2023) 3. African American Holistic Resource Center and T1 Update (January 2023) 4. Zero Waste 5-Year Rate Schedule (February 2023)

Unscheduled Presentations (City Manager)
None

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
	None

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
2065 Kittredge Ave (construct an 8-story, mixed-use building)	ZAB		1/31/2023
1262 Francisco Street (add 40 sq. ft. and second story balcony)	ZAB		2/28/2023
Remanded to ZAB or LPC			
1205 Peralta Avenue (conversion of an existing garage)			
Notes			

11/18/2022



Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: November 10, 2020

Item Number: 20

Item Description: Annual Commission Attendance and Meeting Frequency Report

Submitted by: Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020

To: Mayor and Council
From: Dee Williams-Ridley, City Manager
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to

complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

<u>Boards and Commissions</u>	<u>Meetings Held Under COVID March - Oct</u>	<u>Regular Mtg. Date</u>	<u>Secretary</u>	<u>Dept.</u>	<u>Resume Regular Schedule in January 2021?</u>	<u>Note</u>
Fair Campaign Practices Commission	9	3rd Thur.	Sam Harvey	CA	YES	Have been meeting regularly under COVID Emergency
Open Government Commission	6	3rd Thur.	Sam Harvey	CA	YES	Have been meeting regularly under COVID Emergency
Animal Care Commission	0	3rd Wed.	Amelia Funghi	CM	YES	
Police Review Commission	10	2nd & 4th Wed.	Katherine Lee	CM	YES	Have been meeting regularly under COVID Emergency
Disaster and Fire Safety Commission	4	4th Wed.	Keith May	FES	YES	
Community Health Commission	0	4th Thur.	Roberto Terrones	HHCS	YES	
Homeless Commission	0	2nd Wed.	Josh Jacobs	HHCS	YES	
Homeless Services Panel of Experts	5	1st Wed	Josh Jacobs	HHCS	YES	
Human Welfare & Community Action Commission	0	3rd Wed.	Mary-Claire Katz	HHCS	YES	
Mental Health Commission	1	4th Thur.	Jamie Works-Wright	HHCS	YES	
Sugar-Sweetened Beverage Product Panel of Experts	0	3rd Thur.	Dechen Tsering	HHCS	YES	
Civic Arts Commission	2	4th Wed.	Jennifer Lovvorn	OED	YES	
Elmwood BID Advisory Board	1	Contact Secretary	Kieron Slaughter	OED	YES	
Loan Administration Board	0	Contact Secretary	Kieron Slaughter	OED	YES	
Solano Avenue BID Advisory Board	2	Contact Secretary	Eleanor Hollander	OED	YES	
Design Review Committee	6	3rd Thur.	Anne Burns	PLD	YES	Have been meeting regularly under COVID Emergency
Energy Commission	0	4th Wed.	Billi Romain	PLD	YES	
Landmarks Preservation Commission	6	1st Thur.	Fatema Crane	PLD	YES	Have been meeting regularly under COVID Emergency
Planning Commission	3	1st Wed.	Alene Pearson	PLD	YES	Have been meeting regularly under COVID Emergency
Zoning Adjustments Board	11	2nd & 4th Thur.	Shannon Allen	PLD	YES	Have been meeting regularly under COVID Emergency
Parks and Waterfront Commission	4	2nd Wed.	Roger Miller	PRW	YES	
Commission on Disability	0	1st Wed.	Dominika Bednarska	PW	YES	
Public Works Commission	4	1st Thur.	Joe Enke	PW	YES	
Zero Waste Commission	0	4th Mon.	Heidi Obermeit	PW	YES	
Commission on the Status of Women	0	4th Wed.	Shallon Allen	CM	YES - LIMITED	Secretary has intermittent COVID assignments

<u>Boards and Commissions</u>	<u>Meetings Held Under COVID March - Oct</u>	<u>Regular Mtg. Date</u>	<u>Secretary</u>	<u>Dept.</u>	<u>Resume Regular Schedule in January 2021?</u>	<u>Note</u>
Commission on Aging	0	3rd Wed.	Richard Castrillon	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Housing Advisory Commission	0	1st Thur.	Mike Uberti	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Measure O Bond Oversight Committee	0	3rd Monday	Amy Davidson	HHCS	REDUCED FREQUENCY	Significant Dept. resources assigned to COVID response
Transportation Commission	2	3rd Thur.	Farid Javandel	PW	REDUCED FREQUENCY	Staff assigned to COVID response
Children, Youth, and Recreation Commission	0	4th Monday	Stephanie Chu	PRW	NO - SEPT 2021	Staff assigned to COVID response
Youth Commission	0	2nd Mon.	Ginsi Bryant	PRW	NO - SEPT 2021	Staff assigned to COVID response
Community Environmental Advisory Commission	0	2nd Thur.	Viviana Garcia	PLD	NO - JUNE 2021	Staff assigned to COVID response
Cannabis Commission	0	1st Thur.	VACANT	PLD	NO - JAN. 2022	Staff vacancy
Peace and Justice Commission	0	1st Mon.	VACANT	CM	NO	Staff vacancy
Commission on Labor	0	3rd Wed., alternate mon	Kristen Lee	HHCS	NO	Staff assigned to COVID response
Personnel Board	1	1st Mon.	La Tanya Bellow	HR	NO	Staff assigned to COVID response

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee
Fair Campaign Practices Commission
Housing Advisory Commission (limited to quasi-judicial activities)
Joint Subcommittee on the Implementation of State Housing Laws
Landmarks Preservation Commission
Open Government Commission
Personnel Board
Planning Commission
Police Review Commission
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

Category B

Animal Care Commission
Cannabis Commission
Civic Arts Commission
Children, Youth, and Recreation Commission
Commission on Aging
Commission on Disability
Commission on Labor
Commission on the Status of Women
Community Environmental Advisory Commission
Community Health Commission
Disaster and Fire Safety Commission
Elmwood Business Improvement District Advisory Board
Energy Commission
Homeless Commission
Homeless Services Panel of Experts
Housing Advisory Commission
Human Welfare and Community Action Commission
Measure O Bond Oversight Committee
Mental Health Commission
Parks and Waterfront Commission
Peace and Justice Commission
Public Works Commission
Solano Avenue Business Improvement District Advisory Board
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission
Youth Commission
Zero Waste Commission
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numalville, City Clerk



Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

From: *Dee* Dee Williams-Ridley, City Manager

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

Page 2
October 22, 2020
Re: Commission Meetings During COVID-19 Emergency

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee
Fair Campaign Practices Commission
Housing Advisory Commission (limited to quasi-judicial activities)
Joint Subcommittee on the Implementation of State Housing Laws
Landmarks Preservation Commission
Open Government Commission
Personnel Board
Planning Commission
Police Review Commission
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

Category B

Animal Care Commission
Cannabis Commission
Civic Arts Commission
Children, Youth, and Recreation Commission
Commission on Aging
Commission on Disability
Commission on Labor
Commission on the Status of Women
Community Environmental Advisory Commission
Community Health Commission
Disaster and Fire Safety Commission
Elmwood Business Improvement District Advisory Board
Energy Commission
Homeless Commission
Homeless Services Panel of Experts
Housing Advisory Commission
Human Welfare and Community Action Commission
Measure O Bond Oversight Committee
Mental Health Commission
Parks and Waterfront Commission
Peace and Justice Commission
Public Works Commission
Solano Avenue Business Improvement District Advisory Board
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission
Youth Commission
Zero Waste Commission
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numalville, City Clerk



Office of the City Manager

October 31, 2022

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Return to In-Person City Council Meetings and Status of Meetings of City Legislative Bodies

This memo provides an update regarding the return to in-person meetings by the City Council and other legislative bodies.

On October 19, 2022 the Agenda & Rules committee discussed the return to in-person meetings and recommended that the City Council return to in-person meetings starting with the December 6, 2022 meeting. The in-person meetings of the City Council will continue to allow for remote participation by the public.

Governor Newsom announced that he will end the statewide emergency declaration for COVID-19 on February 28, 2023. Rescinding the emergency declaration will end the exemptions to the Brown Act that were codified in AB 361. These exemptions allowed for remote participation by members of the legislative bodies without the need to notice the remote participation location or make the remote location accessible to the public.

In the past legislative session, AB 2449 was signed into law to extend the Brown Act exemptions in AB 361, but only for certain circumstances and for a limited duration of time. The provisions of AB 2449 are cumbersome and complicated and do not provide any long-term extension of the Brown Act exemptions used during the statewide declared emergency. A summary of AB 2449 is attached to this memo.

After February 28, 2023, if a member of the City Council participates remotely, but does not qualify for the exemptions in AB 2449, the remote location will be listed on the agenda, and the remote location must be available to the public.

Hybrid Meetings of the City Council

Since the start of the pandemic in March of 2020, the City Council has held six hybrid meetings from the Boardroom. These hybrid meetings allowed for in-person participation and virtual participation for the public and the City Council. The meetings

were successful from a technology and logistics standpoint and a regular return to hybrid meetings should be manageable from a staff and meeting management perspective. Resources and processes will be continuously evaluated by staff throughout the transition to a regular hybrid meeting structure.

For the hybrid meetings staff developed meeting protocols for members of the public in attendance and the City Council. With the changing public health conditions related to COVID-19, these meeting protocols need to be reviewed and revised prior to the December 6 meeting. The current version of the protocols that were last used in June 2022 are attached for review.

City staff will continue to test the Boardroom technology with the IT Department, BUSD IT, and Berkeley Community Media to ensure smooth functionality. Communication with the public about the return to in-person (hybrid) meetings will be sent out through multiple channels in advance of December 6.

Status of Other Legislative Bodies

City boards and commissions have been meeting virtual-only during the state declared emergency. When the state declared emergency expires on February 28, 2023, these bodies will return to in-person only meetings.

With over 30 commissions, there are approximately 350 commission meetings per year. Often there are multiple commissions meeting on the same day. The City does not currently have the videoconference infrastructure in place to provide for hybrid meetings for commissions. In addition, in a hybrid setting it is more difficult to manage and conduct meetings while attempting to provide meaningful participation by commissioners and the public. City staff will communicate with commission secretaries and commissioners to facilitate the transition back to in-person meetings. Staff will also analyze the costs for expanding videoconference capabilities throughout the City.

City Council policy committees may have the potential to meet in a hybrid format after February 28, 2023. In order to accommodate hybrid meetings, the videoconference capabilities in 2180 Milvia will need to be significantly expanded. This analysis is currently underway.

For both commissions and policy committees, the videoconference aspect of the meeting is for the public only. The members of the legislative bodies will be at the physical meeting location as previously discussed.

Summary of AB 2449 (Att. 1)

Current Law

Under current law [AB 361 (R. Rivas), Chapter 165, Statutes of 2021], The exemptions included in AB 361 only apply during a declared state of emergency as defined under the California Emergency Services Act. (Gov. Code §§ 52953(e)(1), (e)(4).) In addition, one of the following circumstances must apply:

- State or local officials have imposed or recommended measures to promote social distancing.
- The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.

With the lifting of the State of Emergency, the provisions of AB 361 cannot be met, and therefore localities must return to pre-pandemic Brown Act provisions.

Recently Enacted Legislation on Remote Meetings

The State legislature recently enacted, and the Governor signed AB 2449 (Rubio) [Chapter 285, Statutes of 2022] which provides under incredibly limited circumstances, the ability to have a minority amount of a Brown Act body members participate remotely. The measure is slated to sunset January 1, 2026.

General Requirements

1. A quorum of the council must participate in person at its public meeting site within the boundaries of the jurisdiction (e.g., city hall/council chambers).
2. A member who wishes to participate remotely must have either “just cause” or “emergency circumstances.”

“Just cause” is defined as:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the councilmember to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental disability not otherwise accommodated under the ‘reasonable accommodation’ provisions of the Americans with Disabilities Act.
- Travel while on official business of the legislative body or another state or local agency.

“Emergency circumstances” is defined as “a physical or family medical emergency that prevents a member from attending in person.”

Procedures and Limitations

A. When using the ‘Just cause’ exception:

1. The elected/appointed official must provide a general description of the circumstances relating to their need at the earliest opportunity possible, including at the start of the meeting.
2. A councilmember may not appear remotely due to “just cause” for more than two meetings per calendar year.

B. When using the 'emergency circumstances' exception:

1. The elected/appointed official must give a general description of the emergency circumstances, but the member is not required to disclose any medical diagnosis, disability, or personal medical information.
2. The governmental body must take action to approve the request prior to the remote participant being able to participate in any further business.

C. In all circumstances the following must occur:

1. The elected/appointed official must disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals.
2. The member must participate through both audio and visual technology (e.g., the member must be on-screen).

D. Limited use despite narrow circumstances:

1. A member cannot attend meetings remotely for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.

Hybrid Meeting Policies for City Council Meetings Revised May 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies. These administrative policies supplement the City Council Rules of Procedure and Order.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

Pre-entry negative testing

Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).

Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing,

fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

III. Face Coverings/Mask

Face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium.

If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. The relevant capacity limits will be posted at the meeting location.

However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

Berkeley Unified Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor Volatile Organic Compounds, CO₂, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as

designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium if staff determines that attendance is likely to exceed the capacity of the Boardroom. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. This area will be monitored by the BUSD security personnel.

IX. In-Meeting Procedures

Revised and Supplemental Materials

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
- Electronic: e-mailed to the Agenda Inbox (posted online)

Communications from the Public

The public may submit communications in hard copy at the Boardroom or electronically to clerk@cityofberkeley.info. To ensure that both in-person and remote Councilmembers receive the communication, the public should submit 10 copies at the Boardroom and send the electronic version to the e-mail listed above.

Hybrid Meeting Policies for City Council Meetings Revised May 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies. These administrative policies supplement the City Council Rules of Procedure and Order.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

Pre-entry negative testing

Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).

Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing,

fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

III. Face Coverings/Mask

Face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium.

If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. The relevant capacity limits will be posted at the meeting location. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons with a medical status that

requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

Berkeley Unified Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor Volatile Organic Compounds, CO₂, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium if staff determines that attendance is likely to exceed the capacity of the Boardroom. The capacity of the gymnasium is 200 persons. The

overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

X. In-Meeting Procedures

Revised and Supplemental Materials

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
- Electronic: e-mailed to the Agenda Inbox (posted online)

Communications from the Public

The public may submit communications in hard copy at the Boardroom or electronically to clerk@cityofberkeley.info. To ensure that both in-person and remote Councilmembers receive the communication, the public should submit 10 copies at the Boardroom and send the electronic version to the e-mail listed above.

Hybrid Meeting Policies for City Council Meetings Revised May 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

City Council policy committees and city boards and commissions will continue to meet in a virtual-only setting until the City Council makes the required findings under state law that in-person meetings may resume.

I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

Pre-entry negative testing

Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).

Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing,

fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

III. Face Coverings/Mask

Face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium.

If an attendee at a Council meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as

“distanced seating” to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons. The relevant capacity limits will be posted at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

Distancing is encouraged for the dais and partitions will be used as needed for the seating positions on the dais.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

Berkeley Unified Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor Volatile Organic Compounds, CO₂, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

X. In-Meeting Procedures

Revised and Supplemental Materials from Staff and Council

All revised and supplemental materials for items on the agenda submitted after 12:00pm (noon) the day prior to the meeting must be submitted to the City Clerk in both paper AND electronic versions.

- Paper: 42 copies delivered to the Boardroom (distributed per normal procedure)
- Electronic: e-mailed to the Agenda Inbox (posted online)

Communications from the Public

A communication submitted by the public during the City Council meeting may be shared as follows.

- Paper: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.
- Electronic: If requested by the Presiding Officer, the document can be displayed in the Boardroom and screen shared on the Zoom.



Office of the City Attorney

Date: March 3, 2021
To: Agenda and Rules Committee
From: Office of the City Attorney
Re: Continuing Use of Teleconferencing for Public Meetings

Assembly Bill 361 amended the Ralph M. Brown act to authorize the City to continue to hold teleconferenced meetings during a Governor-declared state of emergency without complying with a number of requirements ordinarily applicable to teleconferencing. For example, under AB 361, the City may hold teleconferenced meetings without:

1. Posting agendas at all teleconference locations
2. Listing each teleconference location in the notice and agenda for the meeting
3. Allowing the public to access and provide public comment from each teleconference location
4. Requiring a quorum of the body to teleconference from locations within City boundaries

(Cal. Gov. Code § 549539(b)(3) & (e)(1).)

Under AB 361, the City can continue to hold teleconferenced meetings without adhering to the above practices as long as the state of emergency continues and either (1) “state or local officials have imposed or recommended measures to promote social distancing,” or (2) the City determines that “meeting in person would present imminent risks to the health or safety of attendees.” (Cal. Gov. Code § 54953(e)(1).)

Every thirty days, the City must review and determine that either of the above conditions continues to exist. (Cal. Gov. Code § 54953(e)(3).) Since September 28, 2021, the City Council has passed a recurring resolution every thirty days determining that both of the above conditions continue to exist and therefore teleconferencing under AB 361 is warranted. The Council may continue to renew the teleconferencing resolution every thirty days, and thereby continue to hold teleconferenced meetings under the procedures it has used throughout the pandemic, until the state of emergency ends. (See Cal. Gov. Code § 54953(e)(3)(A).)

The state of emergency for COVID-19 has been in effect since it was issued by the Governor on March 4, 2020. There is no clear end date for the state of emergency at this time. As recently as February 17, 2022, the Governor stated that, for now, the state will continue to operate under the state of emergency, but that his goal is “to unwind the state

March 2, 2022

Page 2 Re: Continuing Use of Teleconferencing for Public Meetings

of emergency as soon as possible.”¹ Additionally, per a February 25, 2022 *Los Angeles Times* article, Newsom administration officials have indicated that the state of emergency is necessary for the State’s continued response to the pandemic, including measures such as waiving licensing requirements for healthcare workers and clinics involved in vaccination and testing.²

On March 15, 2022, the California State Senate Governmental Organization Committee will consider a resolution (SCR 5) ending the state of emergency.³ Some reporting suggests that the Republican-sponsored resolution is unlikely to pass. Notably, Senate Leader Toni Atkins’ statement on the Senate’s consideration of SCR 5 articulates strong support for the state of emergency.⁴

The Governor has issued an executive order (N-1-22) which extends to March 31, 2022 sunset dates for teleconferencing for state legislative bodies (under the Bagley-Keene Open Meeting Act) and student body organizations (under the Gloria Romero Open Meetings Act).⁵ Executive Order N-1-22 does not affect the Brown Act teleconferencing provisions of AB 361, which have a sunset date of January 1, 2024. Therefore, until January 1, 2024, the City may utilize the teleconferencing provisions under AB 361 as long as the state of emergency remains in effect.

¹ *New York Times*, California Lays Out a Plan to Treat the Coronavirus as a Manageable Risk Not an Emergency (Feb. 17, 2022), <https://www.nytimes.com/2022/02/18/us/california-lays-out-a-plan-to-treat-the-coronavirus-as-a-manageable-risk-not-an-emergency.html>.

² *Los Angeles Times*, Newsom scales back some special pandemic rules, but not California’s state of emergency (Feb. 25, 2022), <https://www.latimes.com/california/story/2022-02-25/newsom-scales-back-special-pandemic-rules-but-not-california-state-of-emergency>.

³ Text of SCR 5 available at: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SCR5.

⁴ Press release: Senator Toni G. Atkins, Senate Leader Atkins Issues Statement on SCR 5 and the State of Emergency (Feb. 17, 2022), <https://sd39.senate.ca.gov/news/20220217-senate-leader-atkins-issues-statement-scr-5-and-state-emergency>.

⁵ Text of Executive Order N-1-22 available at: <https://www.gov.ca.gov/wp-content/uploads/2022/01/1.5.22-Bagley-Keene-waiver-EO.pdf>.

Hybrid Meeting Policies for City Council Meetings Revised April 2022

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. Vaccination Status

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

Pre-entry negative testing

Definition: Testing must be conducted within one day for an antigen test and within two days for a PCR test prior to entry into an event. Results of the test must be available prior to entry into the facility or venue. Children under 2 years of age are exempt from the testing requirement, consistent with [CDC guidance](#).

Verification: See current [CDPH Updated Testing Guidance](#) and [CDPH Over-the-Counter Testing Guidance](#) for acceptable methods of proof of negative COVID-19 test result and information on Over-the-Counter tests. Note: Self-attestation may not be used to verify negative test result, even when using Over-the-Counter (or at home tests) for entry into Indoor Mega Events.

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx>

II. Health Status Precautions

If a person who desires to attend the meeting in-person is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees' duties and responsibilities).

A voluntary sign in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID contact resulting from the meeting.

III. Face Coverings/Mask

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

Conference room capacity is limited to 15 persons. The relevant capacity limits will be posted at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 200 persons. The overflow area will have a broadcast of the meeting in progress

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided. Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. **Vaccination Status**

Prior to entry, all in-person attendees at the meeting location must present valid proof of “up-to-date” COVID-19 vaccination or a verified negative test conducted within one day prior for an antigen test or two days prior for a PCR test. An attendee is “up-to-date” with their vaccinations if:

- It has been less than 2 months after receiving the initial dose of their Johnson & Johnson Vaccine.
- It has been less than 5 months after receiving the second dose of their two-dose Pfizer or Moderna initial series.
- The attendee has received a booster.

~~No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.~~

II. **Health ~~Check~~Status Precautions**

If an in-person attendee is feeling sick, including but not limited to, cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell they will be advised to attend the meeting remotely.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they will be advised to attend the meeting remotely.

Close contact is defined as being within approximately 6 feet for greater than 15 minutes over 24 hours within 2 days before symptoms appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment relative to employees’ duties and responsibilities).

~~A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.~~

~~Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature~~

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.~~

~~Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.~~

III. **Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

IV. **Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons with a medical status that requires distancing and for those that choose to distance for personal health reasons.

~~Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to~~

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

~~uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees.~~ Conference room capacity is limited to ~~42-15~~ persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

City staff will present remotely in order to reduce the number of persons in the Boardroom and back conference area.

V. **Protocols for Remote Participation by Mayor or Councilmembers**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status and testing requirements, health status precautions, temperature checks, and masking requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. **Hand Washing/Sanitizing**

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. **Air Flow/Circulation/Sanitizing**

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

Hybrid Meeting Procedures for BUSD Boardroom (~~November 2021~~February 2022)

VIII. **Overflow in Gymnasium**

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is ~~100~~200 persons. The overflow area will have a broadcast of the meeting in progress to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. **Food Provided for Elected Officials and Designated Staff**

- No buffet dinner provided.
- Box lunches only. Maximum of 16 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff)
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

The policy below covers the conduct of hybrid City Council meetings (in-person and remote participation) held in accordance with the Government Code and any relevant Executive Orders or State declared emergencies.

I. **Vaccination Status**

No requirement for vaccination to attend a Council meeting. Staff and Officials will not inquire about vaccination status for any attendees.

II. **Health Check**

A walk-up temperature check device will be located at the entry to the in-person meeting location. All persons entering the in-person meeting location are required to perform a temperature check upon entering. A handheld non-touch thermometer will be available for individuals with disabilities. Private security personnel will be at the entry location for the duration of the meeting to monitor the temperature check station and mask requirement.

Attendees showing a fever will be directed to attend the meeting via remote participation (Zoom). If an attendee refuses to have their temperature checked, guidance will be provided to the attendee on the requirement and their options for attending remotely and in-person.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

III. **Face Coverings/Mask**

Following the State of California and Local Health Officer Guidance, face coverings or masks that cover both the nose and mouth are required for all attendees at an in-person City Council meeting. Face coverings will be provided by the City and available for attendees to use at the meeting.

If an attendee at a Council Meeting is not wearing a mask, a mask will be offered to them to use. If the attendee refuses to wear a mask, a recess will be called in order to provide guidance to the attendee on the requirement and their options for attending remotely and in-person.

Members of the City Council, city staff, and the public are required to wear a mask at all times, including when speaking publicly at the meeting.

Private security personnel will be the primary person for requesting compliance. If removal of a non-compliant person is needed, law enforcement personnel will perform this task.

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

IV. Physical Distancing

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a council meeting. Relevant CalOSHA requirements for the workplace will be followed as is feasible. Capacity in the audience seating area (including members of the media and staff) at the BUSD Boardroom is limited to 40 persons due to uncertainty about vaccination status of attendees and limiting attendance at indoor events to ensure the comfort and safety of attendees. Conference room capacity is limited to 12 persons. The relevant capacity limits will be posted on the city council agenda and at the meeting location.

V. Protocols for Remote Participation by Mayor or Councilmembers

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for members of the Council participating remotely. For the Mayor and Councilmembers participating remotely, the remote location must be accessible to the public and the public must be able to participate and give public comment from the remote location.

- A Councilmember at a remote location will follow the same policies as the Boardroom with regards to vaccination status, temperature checks, and mask requirements.
- A Councilmember at a remote location may impose reasonable capacity limits at their location.

VI. Hand Washing/Sanitizing

There are hand sanitizing stations placed at the entry and strategically throughout the Boardroom. The bathrooms have soap and water for handwashing.

VII. Air Flow/Circulation/Sanitizing

BUSD Facilities Staff performs a vigorous cleaning process after each use of the Boardroom. BUSD upgraded all HVAC filtration to MERV13, and with the inclusion of Needlepoint BiPolar Ionization, is achieving a rating that is closer to MERV18. Additionally, BUSD installed indoor air quality monitoring sensors in all facilities that constantly monitor VOC's CO2, Relative Humidity, and Temperature. The sensors and alarms allow BUSD to ensure that all systems are working properly and as designed. If a sensor trips an alarm, a work order request is generated immediately to ensure the system is repaired expeditiously.

VIII. Overflow in Gymnasium

An overflow indoor seating area will be available at the West Campus Gymnasium for every meeting. The capacity of the gymnasium is 100 persons. The overflow area will have a broadcast of the meeting in progress

Hybrid Meeting Procedures for BUSD Boardroom (November 2021)

to allow participants to follow the proceedings and move to the Boardroom at the appropriate time to provide public comment if desired. The broadcast audio and video will be provided to attendees in the overflow area. This area will be monitored by the BUSD security personnel.

IX. Food Provided for Elected Officials and Designated Staff

- No buffet dinner provided.
- Box lunches only. Total of 18 (Mayor & Council [9], City Manager, City Attorney, City Clerk [2], Deputy City Managers [2], BCM Staff, Extras [2])
- Individually packaged snacks will be provided on a common table and drinks will be available in the refrigerator.



URGENT ITEM AGENDA MATERIAL

Government Code Section 54954.2(b)
Rules of Procedure Chapter III.C.5

THIS ITEM IS NOT YET AGENDIZED AND MAY OR MAY NOT BE ACCEPTED FOR THE AGENDA AS A LATE ITEM, SUBJECT TO THE CITY COUNCIL'S DISCRETION ACCORDING TO BROWN ACT RULES

Meeting Date: September 28, 2021

Item Description: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

This item is submitted pursuant to the provision checked below:

- Emergency Situation (54954.2(b)(1) - majority vote required)
Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.
- Immediate Action Required (54954.2(b)(2) - two-thirds vote required)
There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

Assembly Bill 361 (Rivas) was signed by the Governor on September 16, 2021. This bill allows local legislative bodies to meet using videoconference technology while maintaining the Brown Act exemptions in Executive Order N-29-20 for noticing and access to the locations from which local officials participate in the meeting. Local agencies may only meet with the exemption if there is a state declared emergency.

The bill also requires that local legislative bodies meeting only via videoconference under a state declared emergency to make certain findings every 30-days regarding the need to meet in a virtual-only setting.

The agenda for the September 28, 2021 was finalized and published prior to the Governor signing AB 361 in to law. Thus, the need to take action came to the attention of the local agency after the agenda was distributed. This item qualifies for addition to the agenda with a two-thirds vote of the Council under Government Code Section 54954.2(b)(2).



Office of the City Attorney

CONSENT CALENDAR
September 28, 2021

To: Honorable Mayor and Members of the City Council
Madame City Manager

From: Farimah Faiz Brown, City Attorney

Subject: Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RECOMMENDATION

Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

FISCAL IMPACT OF RECOMMENDATION

To be determined.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to California Government Code section 8630 and Berkeley Municipal Code Chapter 2.88.040, on March 3, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to conditions of extreme peril to the safety of persons and property within the City as a consequence of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19), including a confirmed case in the City of Berkeley. As a result of multiple confirmed and presumed cases in Alameda County, the County has declared a local health emergency. On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. On March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public.

These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 will expire on September 30, 2021.

COVID-19 continues to pose a serious threat to public health and safety. There are now over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley. Additionally, the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease.

As a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination. Holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time

Assembly Bill 361 (Rivas), signed into law by Governor Newsom on September 16, 2021, amended a portion of the Brown Act (Government Code Section 54953) to authorize the City Council, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore City legislative bodies must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the City Council must review and ratify such a determination every thirty (30) days. Therefore, if the Council passes this resolution on September 28, 2021, the Council will need to review and ratify the resolution by October 28, 2021.

This item requests that the Council review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination. This item further requests that the Council determine that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference, and that City legislative bodies shall continue to comply with all provisions of the Brown Act, as amended by SB 361.

BACKGROUND

On March 1, 2020, Alameda County Public Health Department and Solano County Public Health Department reported two presumptive cases of COVID-19, pending confirmatory testing by the Centers for Disease Control (CDC), prompting Alameda County to declare a local health emergency.

On March 3, 2020, the City's Director of Emergency Services proclaimed a local emergency due to the spread of COVID-19, including a confirmed case in the City of Berkeley and multiple confirmed and presumed cases in Alameda County.

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19.

On March 10, 2020, the City Council ratified the Proclamation of Local Emergency. Since that date, there have been over 4,700 confirmed cases of COVID-19 and at least 57 deaths in the City of Berkeley.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20 which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) to allow teleconferencing of public meetings to be used as a tool for ensuring social distancing. As a result, City legislative bodies have held public meetings via teleconference throughout the pandemic. The provisions of Executive Order N-29-20 allowing teleconferencing to be used as a tool for social distancing will expire on September 30, 2021.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Not applicable.

RATIONALE FOR RECOMMENDATION

The Resolution would enable the City Council and its committees, and City boards and commissions to continue to hold public meetings via videoconference and teleconference in order to continue to socially distance and limit the spread of COVID-19.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998
Mark Numainville, City Clerk, (510) 981-6908

Attachments:

1: Resolution Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference

RESOLUTION NO. –N.S.

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(E)(3) AND DIRECTING CITY LEGISLATIVE BODIES TO CONTINUE TO MEET VIA VIDEOCONFERENCE AND TELECONFERENCE

WHEREAS, in accordance with Berkeley Municipal Code section 2.88.040 and sections 8558(c) and 8630 of the Government Code, which authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a City exist, the City Manager, serving as the Director of Emergency Services, beginning on March 3, 2020, did proclaim the existence of a local emergency caused by epidemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus (“COVID-19”), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution No. 69-312; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency pursuant to the California Emergency Services Act, in particular, Government Code section 8625; and

WHEREAS, the Proclamation of a State of Emergency issued by Governor Newsom on March 4, 2020 continues to be in effect; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law AB 361, which authorizes the City Council to determine that, due to the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference; and

WHEREAS, the City Council does find that the aforesaid conditions of extreme peril continue to exist, and now include over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley; and

WHEREAS, the City Council recognizes that the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease; and

WHEREAS, as a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination; and

WHEREAS, holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies, and therefore public meetings cannot safely be held in person at this time; and

WHEREAS, the City Council will need to again review the need for the continuing necessity of holding City legislative body meetings via videoconference and teleconference by October 28, 2021.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that, pursuant to Government Code section 54953, the City Council has reviewed the circumstances of the continued state of emergency posed by the spread of COVID-19, and finds that the state of emergency continues to directly impact the ability of the public and members of City legislative bodies to meet safely in person, that holding public meetings of City legislative bodies in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination; and

BE IT FURTHER RESOLVED that City legislative bodies, including but not limited to the City Council and its committees, and all commissions and boards, shall continue to hold public meetings via videoconference and teleconference; and

BE IT FURTHER RESOLVED that all City legislative bodies shall comply with the requirements of Government Code section 54953(e)(2) and all applicable laws, regulations and rules when conducting public meetings pursuant to this resolution.



OFFICE OF THE GOVERNOR

June 2, 2021

VIA EMAIL

Graham Knaus, Executive Director
CA State Assoc. of Counties
gknaus@counties.org

Jean Kinney Hurst, Legislative Advocate
Urban Counties of CA
jhurst@counties.org

Carolyn Coleman, Executive Director
League of CA Cities
ccoleman@cacities.org

Laura Preston, Legislative Advocate
Assoc. of CA School Administrators
lpreston@acsa.org

Staci Heaton, Acting Vice President of
Government Affairs
Rural County Representatives of CA
sheaton@rcrcnet.org

Amber King, Vice President, Advocacy
and Membership
Assoc. of CA Healthcare Districts
amber.king@achd.org

Pamela Miller, Executive Director
CA Assoc. of Local Agency Formation
Commissions
pmiller@calafco.org

Danielle Blacet-Hyden, Deputy Executive
Director
CA Municipal Utilities Assoc.
dblacet@cmua.org

Niel McCormick, Chief Executive Officer
CA Special Districts Assoc.
neilm@csga.net

Kristopher M. Anderson, Esq., Legislative
Advocate
Assoc. of CA Water Agencies
krisa@acwa.com

RE: Transition Period Prior to Repeal of COVID-related Executive Orders

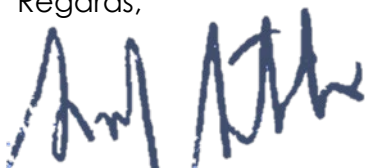
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

Thank you for your correspondence of May 18, 2021, inquiring what impact the anticipated June 15 termination of the Blueprint for a Safer Economy will have on Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic.

Please be assured that this Executive Order Provision will not terminate on June 15 when the Blueprint is scheduled to terminate. While the Governor intends to terminate COVID-19 executive orders at the earliest possible date at which conditions warrant, consistent with the Emergency Services Act, the Governor recognizes the importance of an orderly return to the ordinary conduct of public meetings of state and local agencies and boards. To this end, the Governor's office will work to provide notice to affected stakeholders in advance of rescission of this provision to provide state and local agencies and boards time necessary to meet statutory and logistical requirements. Until a further order issues, all entities may continue to rely on N-29-20.

We appreciate your partnership throughout the pandemic.

Regards,

A handwritten signature in blue ink, appearing to read 'Ana Matosantos', written in a cursive style.

Ana Matosantos
Cabinet Secretary



NEWS RELEASE

Release
Number: 2021-58

June 4, 2021

Standards Board Readopts Revised Cal/OSHA COVID-19 Prevention Emergency Temporary Standards

The revised Cal/OSHA standards are expected to go into effect no later than June 15

Sacramento — The Occupational Safety and Health Standards Board on June 3 readopted Cal/OSHA's revised COVID-19 prevention emergency temporary standards.

Last year, the Board adopted health and safety standards to protect workers from COVID-19. The standards did not consider vaccinations and required testing, quarantining, masking and more to protect workers from COVID-19.

The changes adopted by the Board phase out physical distancing and make other adjustments to better align with the state's June 15 goal to retire the Blueprint. Without these changes, the original standards, would be in place until at least October 2. These restrictions are no longer required given today's record low case rates and the fact that we've administered 37 million vaccines.

The revised emergency standards are expected to go into effect no later than June 15 if approved by the Office of Administrative Law in the next 10 calendar days. Some provisions go into effect starting on July 31, 2021.

The [revised standards](#) are the first update to Cal/OSHA's temporary COVID-19 prevention requirements adopted in November 2020.

The Board may further refine the regulations in the coming weeks to take into account changes in circumstances, especially as related to the availability of vaccines and low case rates across the state.

The standards apply to most workers in California not covered by Cal/OSHA's Aerosol Transmissible Diseases [standard](#). Notable revisions include:

- **Face Coverings:**
 - Indoors, fully vaccinated workers without COVID-19 symptoms do not need to wear face coverings in a room where everyone else is fully vaccinated and not showing symptoms. However, where there is a mixture of vaccinated and unvaccinated persons in a room, all workers will continue to be required to wear a face covering.
 - Outdoors, fully vaccinated workers without symptoms do not need to wear face coverings. However, outdoor workers who are not fully vaccinated must continue to wear a face covering when they are less than six feet away from another person.
- **Physical Distancing:** When the revised standards take effect, employers can eliminate physical distancing and partitions/barriers for employees working indoors and at outdoor mega events if they provide respirators, such as N95s, to unvaccinated employees for voluntary use. After July 31, physical distancing

and barriers are no longer required (except during outbreaks), but employers must provide all unvaccinated employees with N95s for voluntary use.

- **Prevention Program:** Employers are still required to maintain a written COVID-19 Prevention Program but there are some key changes to requirements:
 - Employers must review the California Department of Public Health's [Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#).
 - COVID-19 prevention training must now include information on how the vaccine is effective at preventing COVID-19 and protecting against both transmission and serious illness or death.
- **Exclusion from the Workplace:** Fully vaccinated workers who do not have COVID-19 symptoms no longer need to be excluded from the workplace after a close contact.
- **Special Protections for Housing and Transportation:** Special COVID-19 prevention measures that apply to employer-provided housing and transportation no longer apply if all occupants are fully vaccinated.

The Standards Board will file the readoption rulemaking package with the Office of Administrative Law, which has 10 calendar days to review and approve the temporary workplace safety standards enforced by Cal/OSHA. Once approved and published, the full text of the revised emergency standards will appear in the Title 8 sections [3205](#) (COVID-19 Prevention), [3205.1](#) (Multiple COVID-19 Infections and COVID-19 Outbreaks), [3205.2](#) (Major COVID-19 Outbreaks) [3205.3](#) (COVID-19 Prevention in Employer-Provided Housing) and [3205.4](#) (COVID-19 Prevention in Employer-Provided Transportation) of the [California Code of Regulations](#). Pursuant to the state's [emergency rulemaking process](#), this is the first of two opportunities to readopt the temporary standards after the initial effective period.

The Standards Board also convened a representative subcommittee to work with Cal/OSHA on a proposal for further updates to the standard, as part of the emergency rulemaking process. It is anticipated this newest proposal, once developed, will be heard at an upcoming Board meeting. The subcommittee will provide regular updates at the Standards Board monthly meetings.

The [Occupational Safety and Health Standards Board](#), a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The Standards Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for permanent variances from adopted standards and respond to petitions for new or revised standards.

The California Division of Occupational Safety and Health, or [Cal/OSHA](#), is the division within the Department of Industrial Relations that helps protect California's workers from health and safety hazards on the job in almost every workplace. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

Contact: Erika Monterroza / Frank Polizzi, Communications@dir.ca.gov, (510) 286-1161.

The [California Department of Industrial Relations](#), established in 1927, protects and improves the health, safety, and economic well-being of over 18 million wage earners, and helps their employers comply with state labor laws. DIR is housed within the [Labor & Workforce Development Agency](#)



Office of the City Manager

June 1, 2021

To: Agenda & Rules Committee

From: Dee Williams-Ridley, City Manager

Subject: Preliminary Analysis of Return to In-Person Meetings of City Legislative Bodies

Introduction

This memo responds to the request from the Agenda & Rules Committee on May 17, 2021 for information from the City Manager on the options and timing for a return to in-person meetings for City legislative bodies. The analysis below is a preliminary summary of the considerations and options for returning to in-person meetings.

With the onset of the COVID-19 pandemic, the shelter-in-place order, and the issuance of Executive Order N-29-20 (“Executive Order”) in the spring of 2020, the City quickly adjusted to a virtual meeting model. Now, almost 15 months later, with the Blueprint for a Safer Economy scheduled to sunset on June 15, 2021, the City is faced with a new set of conditions that will impact how public meetings may be held in Berkeley. While the June 15, 2021 date appears to be certain, there is still a great deal of uncertainty about the fate of the Executive Order. In addition, the City is still awaiting concrete, specific guidance from the State with regards to regulations that govern public meetings and public health recommendations that will be in place after June 15, 2021.

For background, Executive Order N-29-20 allows legislative bodies to meet in a virtual setting and suspends the following Brown Act requirements:

- Printing the location of members of the legislative body on the agenda;
- Posting the agenda at the location of members of the legislative body that are remote; and
- Making publicly available remote locations from which members of the legislative body participate.

Meeting Options

There are three groups of City Legislative bodies that are considered in this memo

- City Council;
- City Council Policy Committees; and
- Boards and Commissions.

The three meeting models available are:

- In-person only;
- Virtual only; or
- Hybrid (in-person and virtual).

The scenarios below show the options available for each given set of facts.

Summary Recommendations of Meeting Options	Physical Distancing			No Physical Distancing		
	In-Person	Hybrid	Virtual*	In-Person	Hybrid	Virtual*
	City Council	X	X	X	X	X
Policy Committees			X	X		X
Board and Commissions			X	X		X

* The ability to hold virtual-only meetings is dependent on the status of Executive Order N-29-20

Currently, the Centers for Disease Control recommends physical distancing for unvaccinated persons. While the City and the community have made tremendous progress with regards to vaccination, the City would use the guidelines for unvaccinated persons when making determinations regarding public meetings.

Meeting Type Considerations

Our previous experience pre-pandemic and our experience over the past 15 months demonstrates that the City can conduct all in-person and all virtual meetings. However, the possibility of hybrid meetings presents new questions to consider. The primary concern for a return to in-person meetings using a hybrid model is the impact on the public experience and the legislative process.

Will the legislative body be able to provide a transparent, coherent, stable, informative, and meaningful experience for the both the public in attendance and virtually?

Will the legislative body be able to conduct the legislative process in an efficient, coherent, and meaningful manner with the members split between in-person and virtual, and considering the additional delays and logistical challenges of allowing for public participation in a hybrid model?

For the City Council, testing has shown that the larger space and technology infrastructure at the Boardroom will allow the Council to conduct all three types of meetings (in-person, hybrid, virtual).

For Policy Committees and Commissions, only the “all virtual” or “all in-person” meetings are recommended. Preliminary testing has shown that the audio/visual limitations of the meeting rooms available for these bodies would result in inefficient and cumbersome management of the proceedings in a hybrid model. In addition, there are considerations to analyze regarding the available bandwidth in city facilities and all members having access to adequate devices. Continuing the all virtual model for as long as possible, then switching to an all in-person model when conditions permit provides the best access, participation, and legislative experience for the public and the legislative body.

Other Considerations

Some additional factors to consider in the evaluation of returning to in-person or hybrid meetings are:

- How to address vaccination status for in-person attendees.
- Will symptom checks and/or temperature checks at entry points be required?
- Who is responsible for providing PPE for attendees?
- How are protocols for in-person attendees to be enforced?
- Physical distancing measures for the Mayor and City Councilmembers on the dais.
- Installation of physical barriers and other temporary measures.
- Will the podium and microphone need to be sanitized after every speaker?
- High number of touch points in meeting rooms.
- Will chairs for the public and staff need to be sanitized if there is turnover during the meeting?
- Determining the appropriate capacity for meeting locations.
- The condition and capacity of meeting room ventilation system and air cycling abilities.
- How to receive and share Supplemental Items, Revisions, Urgent Items, and submissions by the public both in-person and virtually.
- Budget including costs for equipment, physical improvements, A/V, PPE, and sanitization.

Conclusion

As stated above, conditions are changing daily, and there is a high degree of uncertainty surrounding the future guidance, regulations, and actions at the state level. Planning, testing and analysis are already underway to prepare for an eventual return to in-person meetings. Staff will continue to monitor the evolving legislative and public health circumstances and advise the committee at future meetings.

Attachment:

1. Executive Order N-29-20

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-29-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS the threat of COVID-19 has resulted in serious and ongoing economic harms, in particular to some of the most vulnerable Californians; and

WHEREAS time bound eligibility redeterminations are required for Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries to continue their benefits, in accordance with processes established by the Department of Social Services, the Department of Health Care Services, and the Federal Government; and

WHEREAS social distancing recommendations or Orders as well as a statewide imperative for critical employees to focus on health needs may prevent Medi-Cal, CalFresh, CalWORKs, Cash Assistance Program for Immigrants, California Food Assistance Program, and In Home Supportive Services beneficiaries from obtaining in-person eligibility redeterminations; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. As to individuals currently eligible for benefits under Medi-Cal, CalFresh, CalWORKs, the Cash Assistance Program for Immigrants, the California Food Assistance Program, or In Home Supportive Services benefits, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including but not limited to California Code of Regulations, Title 22, section 50189(a) and Welfare and Institutions Code sections 18940 and 11265, that would require redetermination of such benefits is suspended for a period of 90 days from the date of this Order. This Order shall be construed to be consistent with applicable federal laws, including but not limited to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of

otherwise-applicable Medicaid time limits in emergency situations.

2. Through June 17, 2020, any month or partial month in which California Work Opportunity and Responsibility to Kids (CalWORKs) aid or services are received pursuant to Welfare and Institutions Code Section 11200 et seq. shall not be counted for purposes of the 48-month time limit set forth in Welfare and Institutions Code Section 11454. Any waiver of this time limit shall not be applied if it will exceed the federal time limits set forth in Code of Federal Regulations, Title 45, section 264.1.
3. Paragraph 11 of Executive Order N-25-20 (March 12, 2020) is withdrawn and superseded by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow

members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

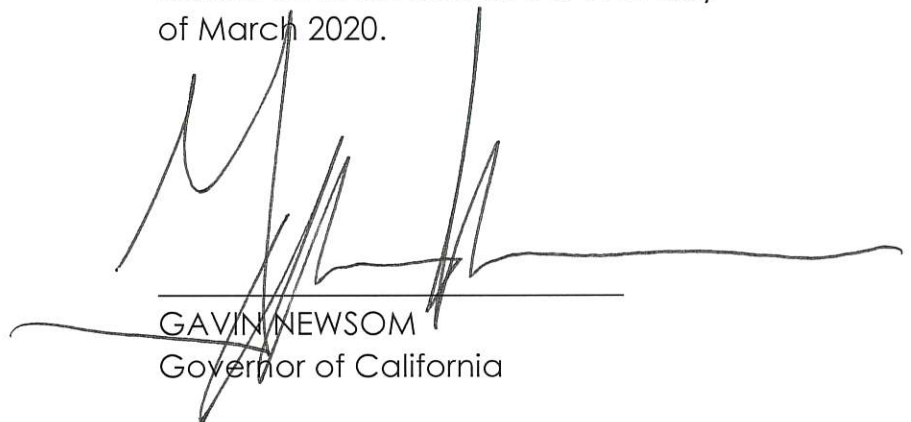
All of the foregoing provisions concerning the conduct of public meetings shall apply only during the period in which state or local public health officials have imposed or recommended social distancing measures.

All state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



**Sophie Hahn, Councilmember
District 5**

CONSENT CALENDAR
December 6, 2022

To: Honorable Mayor and Members of the City Council
 From: Councilmember Sophie Hahn (Author)
 Subject: Amending City Council Rules of Procedure & Order to Allow Policy Committee Track Items with Budget Referrals to be Referred to the Budget & Finance Committee and one Subject Matter Policy Committee

RECOMMENDATION

Adopt a resolution amending the City Council Rules of Procedure & Order to allow Policy Committee Track Items that include a Budget Referral to be assigned by the Agenda Committee to the Budget & Finance Committee and one additional Policy Committee.

BACKGROUND

The City Council Rules of Procedure & Order currently prohibit the Agenda Committee from referring Council Policy Committee Track items to more than one Policy Committee. The purpose of this rule was to avoid delay and duplicative work by two Committees that may not result in consensus recommendations.

Subsequent to adoption of rules relating to Council Committees, numerous substantive items with “moderate to significant administrative, operational, budgetary, resource, or programmatic impacts” have come before the Agenda Committee in the form of Budget Referrals, or with budget referrals incorporated within the item.

Because the current rules only allow Policy Committee items to be sent to one Committee, items accompanied by budget requests that otherwise would have gone to one of the five other policy committees have been sent directly to the Budget & Finance Committee, without the benefit of review by a Policy Committee with subject matter jurisdiction over the substance of the proposed policy or program.

The unintended consequence is that programs and policies that are “significant” are considered for funding without the benefit of subject matter review, including the opportunity for staff to provide input on associated costs and administrative implications, which would inform budget allocations.

To address this situation, which was not anticipated at the time Committees were first developed, this item asks that the City Council Rules of Procedure and Order be amended to allow (but not require) Policy Committee Track Council items with budget referrals to be referred by the Agenda Committee to both the Budget & Finance Committee and a Policy Committee.

This will allow funding to be considered in an appropriate timeframe while also giving subject matter Policy Committees and the City Council the opportunity to weigh in on programmatic, policy, implementation, and administrative details of proposed policies and programs with moderate to significant impacts.

In addition, this item requests that the City Manager advise as to appropriate cut-off dates for submission of Policy Committee Track budget referrals to each budget process, building in time for at least one policy committee meeting and for the City Council to vote on the policy or program prior to Council action on associated budgets.

These deadlines, once established, should be clearly indicated on the Clerk's meeting timelines so all Councilmembers and members of the public are aware of deadlines to submit items with budget referrals that may qualify as Policy Committee Track items.

Councilmember items with budget referrals submitted after established deadlines may go forward and be referred to one or two Committees, but will be considered for funding in the subsequent budget cycle. Exceptions to the deadline can be made by the Agenda Committee utilizing the existing "Time Critical Track" process.

Proposed amendments to City Council Rules of Procedure & Order, Section III(G)(1) are shown in redline, below.

Policy Committee Track

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council agenda.

The Agenda & Rules Committee must refer an item to a Policy Committee at the first meeting that the item appears before the Agenda & Rules Committee.

The Agenda & Rules Committee may only assign the item to a single Policy Committee, **except that Policy Committee Track items that include a budget referral may be assigned to both the Budget & Finance Committee and one other Policy Committee.**

The Agenda and Rules Committee shall set deadlines for submission of Council items with budget referrals so they may be considered in time for budget processes, with exceptions for items that may qualify for the Time Critical Track.

[City Council Rules of Procedure and Order](#) - see Page 19.

FINANCIAL IMPLICATIONS

N/A

CURRENT SITUATION AND ITS EFFECTS

See Background.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

CONTACT PERSON

Councilmember Sophie Hahn Council District 5 510-981-7150

ATTACHMENTS

1. Resolution

RESOLUTION #####-N.S.

AMENDING THE CITY COUNCIL RULES OF PROCEDURE & ORDER TO ADDRESS POLICY COMMITTEE TRACK ITEMS THAT INCLUDE A BUDGET REFERRAL


WHEREAS, the City Council Rules of Procedure & Order currently prohibit the Agenda Committee from referring Council Policy Committee Track items to more than one Policy Committee; and

WHEREAS, subsequent to adoption of rules relating to Council Committees, numerous substantive items with “moderate to significant administrative, operational, budgetary, resource, or programmatic impacts” have come before the Agenda Committee in the form of Budget Referrals, or with budget referrals incorporated within the item;

WHEREAS, items accompanied by budget requests that otherwise would have gone to one of the five other policy committees have been sent directly to the Budget & Finance Committee, without the benefit of review by a Policy Committee with subject matter jurisdiction over the substance of the proposed policy or program;

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that the Council Rules of Procedure and Order shall be amended so that the Agenda & Rules Committee may only assign an item to a single Policy Committee, except that Policy Committee Track items that include a budget referral may be assigned to both the Budget & Finance Committee and one other Policy Committee;

BE IT FURTHER RESOLVED, that the Agenda and Rules Committee shall set deadlines for submission of Council items with budget referrals so they may be considered in time for budget processes, with exceptions for items that may qualify for the Time Critical Track.



No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

City of Berkeley City Council Agenda Index Webpage:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

